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# Economic and Social Council

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**Commission on Crime Prevention and Criminal Justice**
Ninth session
Vienna, 18-20 April 2000
Item 2 of the provisional agenda
**Adoption of the agenda and organization of work**

## Adoption of the agenda and organization of work

## I. Provisional agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Work of the Centre for International Crime Prevention:
   (a) Technical cooperation;
   (b) Crime prevention;
   (c) Standards and norms;
   (d) Cooperation with United Nations entities and other bodies;
   (e) Resource mobilization.
4. International cooperation in combating transnational crime: elaboration of an international convention against transnational organized crime and other possible international instruments.
5. Consideration of the recommendations of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
6. Strategic management and programme questions:
   (a) Strategic management;
   (b) Programme questions.
7. Provisional agenda for the tenth session of the Commission.
8. Adoption of the report of the Commission on its ninth session.

V.00-51321 (E)

# II. Annotations

## 1. Election of officers

Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that, at the commencement of the first meeting of a regular session, the Commission shall elect, from among the representatives of its members, a Chairman and such other officers as may be required.

In accordance with rule 16 of the rules of procedure, officers of the Commission shall hold office until their successors are elected and shall be eligible for re-election.

Beginning with its first session, held in 1992, the Commission has elected a Chairman, three Vice-Chairmen and a Rapporteur. In view of the rotation of offices based on regional distribution, the officers at the eighth session were from the following regional groups:

| | | |
|---|---|---|
| Chairman | Latin American and Caribbean States | Ana Maria Cortez de Soriano (Bolivia) |
| First Vice-Chairman | Western European and Other States | Irene Freudenschuss-Reichl (Austria) |
| Second Vice-Chairman | Asian and Pacific States | Chung Dal-ho (Republic of Korea) |
| Third Vice-Chairman | African States | Abubakr Salih Nur (Sudan) |
| Rapporteur | Eastern European States | Adrian Vierita (Romania) |

A group composed of the five chairmen of the regional groups was established to assist the Chairman in dealing with organizational matters. That group, together with the elected officers, constituted the extended bureau.

The Commission, in its resolution 5/3, recommended that the regional groups should, whenever possible, strive for continuity in the composition of its bureau, in particular by electing at least one of the retiring officers of the previous bureau of each session to serve in the next bureau.

The membership of the Commission at its ninth session is shown in annex II.

## 2. Adoption of the agenda and organization of work

Rule 7 of the rules of procedure of the Economic and Social Council provides that the Commission shall, at the beginning of each session, adopt the agenda for that session on the basis of the provisional agenda.

In its decision 1997/232, the Council decided that each session of the Commission should have one prominent theme and that the theme for the ninth session of the Commission should be "Results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders".

The Council also decided that the Commission, from its seventh session onwards, in addition to plenary meetings, should be provided with full interpretation services for a total of 12 meetings for informal consultations on draft proposals and for meetings of open-ended working groups, with the precise allocation of time for the different types of meeting to be determined by the Commission under the agenda item entitled "Adoption of the agenda and organization of work", on the understanding that no more than 2 meetings would be held concurrently, in order to ensure maximum participation of delegations. As the ninth session of the Commission has a shortened duration of three days, it will accordingly be possible to hold only six meetings.

In its decision 1999/261, the Economic and Social Council took note of the report of the Commission on its eighth session and approved the provisional agenda for the ninth session of the Commission.

Following the adoption of the agenda, the Commission may wish to establish its timetable for the session and agree on its organization of work. A provisional timetable for consideration by the Commission, as approved by its bureau, is shown in annex I.

**Documentation**

Proposed organization of work for the ninth session of the Commission on Crime Prevention and Criminal Justice (E/CN.15/2000/1)

## 3. Work of the Centre for International Crime Prevention

### (a) Technical cooperation

In its resolution 1998/16, entitled "Action against corruption", the Economic and Social Council requested the Secretary-General, in his efforts to update the manual prepared by the Secretariat on practical measures against corruption, to include in the text a section describing recent developments in combating corruption, in particular the practical impact of recent multilateral initiatives in this area; decided to convene an open-ended meeting of governmental experts to explore means of ensuring that the initiatives were effective and that an appropriate international strategy against corruption, including the proceeds thereof, was formulated in consultation with other intergovernmental organizations active in the area; and requested the Secretary-General to submit a report on the implementation of the resolution, including on the work of the intergovernmental experts, to the Commission at its ninth session.

The ongoing work by the Centre for International Crime Prevention will contribute to the development of an international strategy against corruption, including the development of a separate international instrument against corruption. The Secretariat will accordingly be in a position to submit to the Commission at its tenth session a comprehensive report on international strategy against corruption, based on a wide range of information, including the outcome of the Tenth Congress.

In its resolution 1998/18, entitled "Measures to regulate firearms for the purpose of combating illicit trafficking in firearms", the Economic and Social Council invited the International Criminal Police Organization and other intergovernmental organizations to provide the Secretary-General with views and proposals regarding their possible contributions towards the development and implementation of technical cooperation to strengthen the ability of law enforcement officials to combat illicit trafficking in and

criminal misuse of firearms, and requested the Secretary-General to report thereon to the Commission at its ninth session.

The information available is before the Commission in the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2) and the report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime (E/CN.15/2000/4).

In its resolution 1999/23, the Economic and Social Council noted the initiative of the Centre for International Crime Prevention, in cooperation with the United Nations Interregional Crime and Justice Research Institute, in developing the global programme against trafficking in human beings, the global programme against corruption and the global studies on transnational organized crime, but stressed that the programmes promoted by the Centre should be formulated on the basis of close consultation with Member States and reviewed by the Commission on Crime Prevention and Criminal Justice. The status of implementation of the three global programmes is brought to the attention of the Commission in the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2).

Also in resolution 1999/23, the Council called on the Centre to reinforce its efforts to focus its technical cooperation activities on priority issues and concerns in crime prevention and criminal justice, to pursue a comprehensive approach in carrying out its operational activities, to coordinate fully its activities with recipient and donor countries and to interact with other relevant United Nations entities and with the United Nations Crime Prevention and Criminal Justice Programme network.

In the same resolution, the Council urged States and funding agencies to review, as appropriate, their funding policies for development assistance and to include a crime prevention and criminal justice component in such assistance, and called upon States to make every effort to contribute to the United Nations Crime Prevention and Criminal Justice Fund.

In its resolution 54/128, entitled "Action against corruption", the General Assembly requested the Secretary-General to undertake, within existing or extrabudgetary resources, technical cooperation activities to combat corruption, in consultation with Member States that might be able to provide assistance.

In the same resolution, the Assembly ...essed the need to develop a global strategy to strengthen international cooperation aimed at the prevention and punishment of corruption, including the links of corruption with organized crime and money-laundering, by encouraging Member States to become parties to, and to implement the terms of, relevant international conventions and other instruments aimed at fighting corruption; inviting them to participate in conferences and other forums for the advancement of international efforts against corruption; and inviting them also to explore the possibilities of developing a global system for peer review regarding the adequacy of practices aimed at combating corruption.

Also in the same resolution, the Assembly requested the Office for Drug Control and Crime Prevention to continue to develop, in consultation with Member States, an effective global programme for providing technical assistance to fight corruption; and to explore ways to convince underregulated financial centres to adopt rules enabling them to trace and take action against the proceeds of organized crime and corruption, to participate actively in international cooperation aimed at preventing and controlling related forms of financial crime and, if necessary, to consider measures to protect the international

financial system from the underregulated financial centres and of mechanisms for the establishment of such minimum rules; and to ensure that the ongoing revision of the manual prepared by the Secretariat on practical measures against corruption incorporated the recommendations of the Expert Group Meeting on Corruption and its Financial Channels, held in Paris from 30 March to 1 April 1998.

Finally, the Assembly requested the Office for Drug Control and Crime Prevention to report to the Commission, not later than at its tenth session, in 2001, on the progress made in the implementation of the resolution and the steps taken by Member States to combat corruption and its proceeds. That report will also cover the outcome of the Tenth Congress and ongoing developments in the field of corruption, in particular the initiative to develop an international instrument against corruption.

With regard to developing an international instrument against corruption, the Commission may wish to note that the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime concluded, at its seventh session, held in Vienna from 17 to 28 January 2000, that an independent international instrument against corruption was desirable. Work on such an instrument should however begin after the completion of the draft United Nations Convention against Transnational Organized Crime and the protocols thereto.

The technical cooperation activities to combat corruption undertaken by the Centre for International Crime Prevention, in consultation with Member States, are brought to the attention of the Commission in the report of the Executive Director on the work of the Centre (E/CN.15/2000/2).

**(b) Crime prevention**

In its resolution 1999/23, entitled "Work of the United Nations Crime Prevention and Criminal Justice Programme", the Economic and Social Council invited the workshop on women in the criminal justice system, to be held at the Tenth Congress, to consider the desirability of conducting an international victimization survey on violence against women that would enable Member States and the international community to develop action-oriented policies to eliminate violence against women, and requested the Secretary-General, taking into account the activities of the workshop on crimes related to the computer network, to be held at the Tenth Congress, to conduct a study on effective measures that could be taken at the national and international levels to prevent and control computer-related crime, which would include an examination of the desirability of preparing manuals, guidelines and recommendations, and to report on the conclusions of the study to the Commission at its tenth session.

In its resolution 1999/25, entitled "Effective crime prevention", the Economic and Social Council requested the Secretary-General to convene an interregional expert group meeting, with the extrabudgetary support of interested Governments, in order to analyse possible mechanisms for applying successful crime prevention strategies that are both situational and oriented towards social development to forms of crime such as urban crime, domestic violence and juvenile crime and, where appropriate, to new and emerging forms of crime such as organized crime, trafficking in persons, especially women and children, and corruption, also requested the Secretary-General, with the extrabudgetary support of interested Governments, to conduct a study on possible cultural and institutional differences in effective crime prevention and to make the study available to the Commission, and requested the Commission to explore the possibility of preparing

guidelines on crime prevention for policy makers and a handbook on crime prevention for practitioners.

In the same resolution, the Council urged the Centre for International Crime Prevention to promote projects that contribute to the exchange of information and experience in crime prevention for the purpose of encouraging new forms of collaboration between countries at the levels of government, the community and non-governmental organizations.

Also in the same resolution, the Council requested Member States to use the occasion of the workshop on community involvement in crime prevention to be organized at the Tenth Congress as an opportunity for Governments with technical assistance needs to form partnerships with interested donor Governments and with United Nations entities for the express purpose of developing practical technical cooperation projects aimed at addressing common problems of crime prevention, and requested the Secretary-General to ensure broad professional and geographical participation at the workshop.

In its resolution 1999/27, entitled "Penal reform", the Economic and Social Council invited the Tenth Congress to consider the issues listed in its resolution, and requested the Secretary-General to report to the Commission at its tenth session on the implementation of the resolution.

The Commission is therefore invited to consider the requests for reports related to crime prevention in conjunction with the conclusions and recommendations that may emanate from the Tenth Congress, taking into consideration the ongoing work programme of the Centre for International Crime Prevention and the human and financial resources available to it.

### (c) Standards and norms

In section I, entitled "Use and application of United Nations standards and norms in crime prevention and criminal justice", of its resolution 1998/21, the Economic and Social Council requested the Secretary-General to continue gathering information, and to submit to the Commission at its ninth session a report on the use and application of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), the Guidelines on the Role of Prosecutors and the Basic Principles on the Role of Lawyers and to prepare updated reports where at least 30 additional States had replied in respect of a standard or norm on which a report had already been submitted.

Owing to the limited number of replies received, the Secretariat is not in a position to submit a separate report on standards and norms to the Commission at its ninth session. Such a report will be submitted to the Commission at its tenth session, should the Commission so request.

In section II, entitled "Administration of juvenile justice", of the same resolution, the Council, welcoming the fact that the Committee on the Rights of the Child placed considerable emphasis on juvenile justice during the review of State party reports submitted pursuant to the Convention on the Rights of the Child and noting that the Committee's concluding observations often included recommendations to seek technical assistance in juvenile justice from the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the United Nations Children's Fund, and expressing concern that, in the view of the Committee, juvenile justice reform was needed in almost all States whose country reports had been considered, welcomed the fact that the Centre for International Crime Prevention had enhanced its

cooperation with other United Nations entities, and with other partners involved in assisting Member States in setting up separate juvenile justice systems or in improving existing systems by adapting them to United Nations standards and norms in juvenile justice; and took note of the report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice, in which the Secretary-General highlighted difficulties and deficiencies in the use and application of United Nations standards and norms in juvenile justice by Member States.

In its resolution 1999/28, entitled "Administration of juvenile justice", the Economic and Social Council requested the Secretary-General to submit to the Commission at its ninth session a programme proposal, involving all United Nations entities mentioned in the Guidelines for Action on Children in the Criminal Justice System, by which the timely and in-depth assessment of the needs of States parties to the Convention on the Rights of the Child regarding juvenile justice reform was ensured.

The information to be submitted to the Commission in the report of the Secretary-General on progress achieved regarding juvenile justice reform (E/CN.15/2000/5) and the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2).

The Commission is reminded that the Economic and Social Council, in its resolution 1999/26, entitled "Development and implementation of mediation and restorative justice measures in criminal justice", requested the Commission to examine ways and means of facilitating an effective exchange of information concerning national experience in the area of mediation and restorative justice and possible ways to promote awareness among Member States of the issues of mediation and restorative justice, and recommended that the Commission consider the desirability of formulating United Nations standards in the field of mediation and restorative justice, which are intended to ensure fairness in the resolution of minor offences.

In the same resolution, the Council requested the Secretary-General to undertake, within existing and extrabudgetary resources, activities to assist Member States in developing mediation and restorative justice policies and to facilitate the exchange at the regional and international levels of experience on the issues of mediation and restorative justice, including dissemination of best practices, and to prepare a report on work in progress in this area to be submitted to the Commission at its tenth session or as soon as possible, taking into account, inter alia, relevant results of the Tenth Congress.

In its resolution 1990/51, the Economic and Social Council requested the Committee on Crime Prevention and Control (now superseded by the Commission on Crime Prevention and Criminal Justice) to keep the question of capital punishment under review. In its resolution 1995/57, the Council recommended that the quinquennial reports of the Secretary-General should continue to cover also the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty.

The sixth quinquennial report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty for the period 1994-1998 is before the Commission (E/CN.15/2000/3).

### (d) Cooperation with United Nations entities and other bodies

The initiatives taken by the Centre for International Crime Prevention to enhance its cooperation with United Nations entities and other bodies, in particular in the field of

technical cooperation, are reflected in the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2).

### (c) Resource mobilization

In section II, entitled "Resource mobilization", of its resolution 6/1, the Commission expressed its appreciation to the members of the informal consultative group on resource mobilization, and decided that the group should also serve as the mechanism for resource mobilization and coordination of activities in the area of technical assistance, as envisaged in paragraph 15 of its resolution 5/2.

In section II, entitled "Resource mobilization", of its resolution 7/1, the Commission called upon Member States to contribute on an annual basis, if possible, to the United Nations Crime Prevention and Criminal Justice Fund in order to cover the cost of improving the infrastructure of the Centre for International Crime Prevention and its capacity to develop and administer the technical cooperation component of the United Nations Crime Prevention and Criminal Justice Programme and to develop essential training tools; also called upon Member States to discuss with the Centre funding modalities and options for technical cooperation for crime prevention and criminal justice, and encouraged Member States to provide the Centre with information regarding the achievements of technical cooperation projects executed by the Centre, highlighting the importance of such projects, in order to attract more attention to and enhance interest in them.

In its resolution 53/114, the General Assembly called upon the Commission to strengthen further its activities in the direction of exercising more vigorously its mandated function of resource mobilization.

#### Documentation

Report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2)

Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/CN.15/2000/3)

Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime (E/CN.15/2000/4)

Report of the Secretary-General on progress achieved regarding juvenile justice reform (E/CN.15/2000/5)

## 4. International cooperation in combating transnational crime: elaboration of an international convention against transnational organized crime and other possible international instruments

In its resolution 1998/18, entitled "Measures to regulate firearms for the purpose of combating illicit trafficking in firearms", the Economic and Social Council decided that, once established, the ad hoc committee on the elaboration of a comprehensive international convention against transnational organized crime should hold discussions on the elaboration of an international instrument to combat the illicit manufacturing of and

trafficking in firearms, their parts and components and ammunition, including, *inter alia*, effective methods of identifying and tracing firearms, as well as on the establishment or maintenance of an import and export and in-transit licensing or similar authorization regime for the international commercial transfer of firearms, their parts and components and ammunition, to prevent their diversion for criminal misuse.

In the same resolution, the Council invited States, when discussing the elaboration of the international instrument, to take into account, as appropriate, the views of interested non-governmental organizations and other interested parties, and recommended that States take into account, where relevant and appropriate, the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, as well as other existing international instruments and ongoing initiatives.

In its resolution 1999/19, entitled "Action against illegal trafficking in migrants, including by sea", the Economic and Social Council decided that the ad hoc committee should hold discussions on the elaboration of an international instrument against illegal trafficking in and transporting of migrants, including by sea, taking into account the existing proposals for legal instruments against illegal trafficking in and transporting of migrants, including by sea.

In its resolution 1999/20, entitled "Action to combat international trafficking in women and children", the Economic and Social Council decided that the ad hoc committee should hold discussions on the elaboration, as appropriate, of an international instrument addressing trafficking in women and children.

In its resolution 54/126, entitled "Draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto", the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114, and to intensify its work in order to complete it in 2000, decided that the Ad Hoc Committee should be convened in 2000 as required in order to complete its tasks, holding no fewer than four sessions of two weeks each, requested the Ad Hoc Committee to schedule sufficient time, subject to the availability of funds from the regular budget or extrabudgetary resources, for the negotiation of the draft protocols addressing trafficking in persons, especially women and children, the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transportation of migrants, including by sea, in order to enhance the possibility of their completion at the same time as the draft Convention, and requested the Ad Hoc Committee to submit a report to the Commission at its tenth session on the progress achieved in its work.

In its resolution 54/127, the General Assembly requested the Secretary-General, within existing or extrabudgetary resources, to convene an expert group of no more than 20 members with equitable geographical representation, to prepare a study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes, taking fully into consideration the issues listed in paragraph 2 of Economic and Social Council resolution 1998/17, and also requested the Secretary-General to report, as early as possible, to the Commission on the results of the study, and directed the Ad Hoc Committee, following the completion of the study, to consider the possible elaboration of an international instrument on the illicit manufacturing of and trafficking in explosives.

In its resolution 54/128, entitled "Action against corruption", the General Assembly directed the Ad Hoc Committee to incorporate into the draft Convention measures against

corruption linked to organized crime, including provisions regarding the sanctioning of acts of corruption involving public officials; requested the Ad Hoc Committee, using such time as its schedule permitted and with extrabudgetary resources provided for that purpose, to explore the desirability of an international instrument against corruption, either ancillary to or independent of the Convention, to be developed after the finalization of the Convention and the three additional instruments referred to in Assembly resolution 53/111, and to present its views to the Commission on Crime Prevention and Criminal Justice.

In its resolution 54/129, entitled "High-level Political Signing Conference for the United Nations Convention against Transnational Organized Crime", the Assembly decided to convene a High-level Political Signing Conference, to be hosted by the Government of Italy in Palermo, for the purpose of signing the United Nations Convention against Transnational Organized Crime and protocols thereto, for a period of up to one week before the end of the Millennium Assembly in 2000.

The report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and the draft protocols thereto is before the Commission (E/CN.15/2000/4). The contribution of the Centre for International Crime Prevention in drafting the Convention and protocols thereto is brought to the attention of the Commission in the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2).

**Documentation**

*Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime (E/CN.15/2000/4)*

*Report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2)*

## 5. Consideration of the recommendations of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Pursuant to General Assembly resolution 53/110, entitled "Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", the Commission, at its eighth session, drew up a preliminary draft declaration entitled "Crime and Justice: Meeting the Challenges of the Twenty-first Century". In its decision 1999/261, the Economic and Social Council decided to transmit the preliminary draft declaration to the Tenth Congress. In its resolution 54/125, the General Assembly requested the Tenth Congress to submit, through the Commission and the Economic and Social Council, its declaration to the Millennium Assembly for consideration and action, and requested the Commission to give priority attention at its ninth session to the conclusions and recommendations of the Tenth Congress, with a view to recommending, through the Council, appropriate follow-up by the Assembly at its fifty-fifth session.

The Commission's attention is drawn to Economic and Social Council resolution 1999/55, entitled "Integrated and coordinated implementation of and follow-up to major United Nations conferences and summits", in which the Council reaffirmed the important role that the functional commissions had to play in the integrated and coordinated follow-up and the evaluation of the implementation of the outcome of major

United Nations conferences and summits, and invited the functional commissions, in accordance with their rules and regulations, to consider innovative modalities for further engaging non-governmental organizations and other actors, as appropriate, in conference follow-up.

The attention of the Commission is drawn to rule 63 of the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders, which states: "After the completion of each Congress, the Commission on Crime Prevention and Criminal Justice shall make appropriate recommendations to the Economic and Social Council for such amendments to the present rules as it may deem necessary."

The Commission is reminded that the General Assembly, in its resolution 53/110, decided that the Commission, at its tenth session, should undertake a review of the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, including the issue of regional preparatory meetings.

**Documentation**

Report of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

## 6. Strategic management and programme questions

### (a) Strategic management

In section I of its resolution 6/1, entitled "Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme", the Commission requested its bureau to report on its inter-sessional work annually, and decided to establish a multi-year work plan, each year being devoted to a specific theme, in an effort to simplify the agenda of the Commission and to plan substantive discussions in advance. At its sixth session, the Commission established the themes for the seventh, eighth and ninth sessions.

In its resolution 1999/51, entitled "Restructuring and revitalization of the United Nations in the economic, social and related fields and cooperation between the United Nations and the Bretton Woods institutions", the Economic and Social Council invited the Commission to consider adopting a multi-year programme of work.

The Commission is invited to set the themes for its subsequent sessions. The inter-sessional meeting of the Commission, on 4 February 2000, recommended that the themes selected should be those covered in the declaration to be adopted by the Tenth Congress.

The Commission is invited to take into consideration the mandated reporting obligations arising from resolutions of the General Assembly and the Economic and Social Council and from its own resolutions and decisions when reviewing the conclusions and recommendations that may emanate from the Tenth Congress.

### (b) Programme questions

In section I, entitled "Programme and strategic management questions", of its resolution 7/1, the Commission called upon the Secretary-General, in line with the priorities of the United Nations as set out in the medium-term plan for the period

1998-2001, to further strengthen the resources of the Centre in order to achieve a better balance between its far-reaching mandates and its resources; and to pursue his efforts to redeploy savings in administration and conference services to the highest-priority programmes, including the United Nations Crime Prevention and Criminal Justice Programme, for support to operational activities.

In its resolution 1999/23, the Economic and Social Council welcomed Commission resolution 7/1, section I, in which the Commission had decided to mainstream a gender perspective into all its activities and requested the Secretariat to integrate a gender perspective into all the activities of the Centre.

**Documentation**

Report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2)

## 7. Provisional agenda for the tenth session of the Commission

In accordance with rule 9 of the rules of procedure of the Economic and Social Council, the Commission will have before it the provisional agenda for its tenth session, together with an indication of the documents to be submitted under each agenda item and the legislative authority for their preparation.

## 8. Adoption of the report of the Commission on its ninth session

It is expected that the Commission will adopt the report on its ninth session on the afternoon of the last day of the session.

# Annex I

## Proposed organization of work

1. In its decision 1997/232, the Economic and Social Council decided that the Commission, from its seventh session onwards, in addition to plenary meetings, should be provided with full interpretation services for a total of 12 meetings for informal consultations on draft proposals and for meetings of open-ended working groups, with the precise allocation of time for the different types of meeting to be determined by the Commission under the agenda item entitled "Adoption of the agenda and organization of work", on the understanding that no more than 2 meetings would be held concurrently, in order to ensure maximum participation of delegations. As the ninth session of the Commission will last only three working days, a maximum of six meetings can be held for informal consultations on draft proposals.

2. In its resolution 54/125, the General Assembly requested the Commission to give priority attention at its ninth session to the conclusions and recommendations of the Tenth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the Assembly at its fifty-fifth session. It is suggested that the Commission first consider agenda item 5, on the recommendations of the Tenth Congress, in informal consultations, before they are brought to the plenary. Following its consideration of agenda items 1 and 2, the Commission should allocate agenda item 5 to informal consultations and proceed with the consideration of the other items in plenary.

### Timetable

3. The provisional timetable shown below is subject to approval by the Commission. As soon as discussion on an item or sub-item has been concluded, the following one will be taken up, time permitting. Suggested meeting times are from 10 a.m. to 1 p.m. and from 3 to 6 p.m.

**Provisional timetable**

| *Date* | *Time* | *Agenda item* | *Plenary* | *Committee of the Whole* |
|---|---|---|---|---|
| Tuesday, 18 April 2000 | 9.30 a.m. | | Informal (organizational) meeting for members of the Commission and heads of delegations | |
| | 10 a.m.-1 p.m. | 1 | Election of officers | |
| | | 2 | Adoption of the agenda and organization of work | Informal consultations |
| | | 5 | Consideration of the recommendations of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders | |
| | 3-6 p.m. | 5 | Continuation of item 5 | Informal consultations |
| Wednesday, 19 April 2000 | 10 a.m.-1 p.m. | 5 | Continuation and conclusion of item 5 | Informal consultations |
| | 12 noon | | Closure of the list of speakers on item 5 | |
| | 3-6 p.m. | 4 | International cooperation in combating transnational crime: elaboration of an international convention against transnational organized crime and other possible international instruments | Informal consultations |
| | 5 p.m. | | Closure of the list of speakers on item 4 | |
| Thursday, 20 April 2000 | 10 a.m.-1 p.m. | 3 | Work of the Centre for International Crime Prevention:<br>(a) Technical cooperation;<br>(b) Crime prevention;<br>(c) Standards and norms;<br>(d) Cooperation with United Nations entities and other bodies;<br>(e) Resource mobilization | |
| | | 6 | Strategic management and programme questions:<br>(a) Strategic management;<br>(b) Programme questions | |
| | 12 noon | | Closure of the list of speakers on items 3 and 6 | |

| *Date* | *Time* | *Agenda item* | *Plenary* | *Committee of the Whole* |
|---|---|---|---|---|
| | 3-6 p.m. | | Consideration of and action on any outstanding draft proposals | |
| | | 7 | Provisional agenda for the tenth session of the Commission | |
| | | 8 | Adoption of the report of the Commission on its ninth session | |
| | 5 p.m. | | Closure of the list of speakers on items 7 and 8 | |

# Annex II

## Membership of the Commission on Crime Prevention and Criminal Justice at its ninth session, to be held in Vienna from 18 to 20 April 2000

| | *Year in which three-year term expires on 31 December* |
|---|---|
| Algeria | 2003 |
| Argentina | 2000 |
| Belarus | 2003 |
| Belgium | 2003 |
| Benin | 2000 |
| Bolivia | 2003 |
| Botswana | 2000 |
| Brazil | 2000 |
| Canada | 2003 |
| China | 2000 |
| Costa Rica | 2000 |
| Côte d'Ivoire | 2000 |
| Ecuador | 2000 |
| Egypt | 2003 |
| France | 2000 |
| Germany | 2000 |
| India | 2000 |
| Iran (Islamic Republic of) | 2000 |
| Italy | 2000 |
| Jamaica | 2003 |
| Japan | 2003 |
| Mexico | 2000 |
| Morocco | 2003 |
| Nigeria | 2003 |
| Pakistan | 2003 |
| Peru | 2003 |
| Philippines | 2003 |
| Poland | 2000 |
| Republic of Korea | 2000 |
| Romania | 2000 |
| Russian Federation | 2003 |
| Saudi Arabia | 2000 |
| Sierra Leone | 2003 |
| South Africa | 2003 |
| Spain | 2003 |
| Sudan | 2003 |
| Thailand | 2003 |
| Togo | 2000 |
| Tunisia | 2003 |
| United States of America | 2000 |

| | | Paragraphs | Page |
|---|---|---|---|
| V. | Global programmes | 27-48 | 7 |
| | A. Global programme against trafficking in human beings | 27-33 | 7 |
| | B. Global programme against corruption | 34-42 | 8 |
| | C. Global studies on transnational organized crime | 43-48 | 10 |
| VI. | Other programme activities | 49-61 | 10 |
| | A. Promoting the use and application of standards and norms | 49-51 | 10 |
| | B. Prevention of terrorism | 52-57 | 11 |
| | C. Collecting and disseminating information | 58-61 | 12 |
| VII. | Overview of operational activities | 62-69 | 12 |
| VIII. | Mobilization of resources | 70-73 | 14 |
| IX. | Strategic management by the Commission of the United Nations Crime Prevention and Criminal Justice Programme | 74-80 | 14 |
| X. | Programme questions | 81-82 | 17 |
| XI. | The way ahead | 83-85 | 17 |

# I. Introduction

1. The present report of the Executive Director is the second annual report on the work of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat (ODCCP) submitted to the Commission on Crime Prevention and Criminal Justice. It covers the period between the eighth and ninth sessions of the Commission and provides an integrated overview of the work of the Centre during the past year and a preview of its future orientation. To reduce the volume of documentation, the present report fulfils, in one consolidated document, several reporting obligations to the Commission.

# II. Major developments

## A. Challenges of transnational crime and corruption

2. During the closing decade of the twentieth century, crime prevention and criminal justice concerns presented major challenges to Governments throughout the world. Preliminary data from the Sixth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems and data from the preceding Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems indicate patterns in overall crime rates that are consistent with much of the media portrayals of late. Specifically, the total number of crimes reported to the police during the 1990s dropped or stayed approximately the same in the States members of the European Union, but showed increases in States members of the Commonwealth of Independent States and in States of Asia and eastern Europe. Further, the decade witnessed increases for all regions of the world considered together. Those patterns held true for a diverse group of crimes, including fraud, embezzlement, burglary, automobile theft, assault, homicide, robbery and rape.

3. While the above-mentioned crimes have traditionally dominated police records and police efforts, the most significant new challenge for criminal policy is organized crime, particularly those forms which are cross-border in nature. New and fast-changing mechanisms of trade, finance, communications and information have helped to foster criminality that is not confined to individual countries but is increasingly global in nature. Criminal organizations have managed to adapt corporate-like structures to criminal markets, employing strategies that allow them to respond swiftly to changing circumstances and conceal profits. Organized crime has shown a great capacity to exploit different opportunities and has grown internationally through new alliances and activities. Illicit trafficking in persons, firearms, automobiles, antiques and drugs is expanding in most parts of the world, with new and formerly uninvolved countries becoming new transit and host countries for illicit activities. The proceeds of those activities are often laundered, leading to the undermining of legal economies and democratic institutions.

4. Corruption is recognized as having also become a major problem capable of threatening social, economic and political development. While corruption is not a new phenomenon, the 1990s have witnessed an eruption of scandals that transcend national borders. The notorious cases involving the Bank of Credit and Commerce International and the Bank of New York had ramifications in several countries. Corruption has a particularly severe economic impact on developing countries and countries with economies in transition. It is now widely acknowledged that corruption scares away foreign investment as well as foreign aid. However, the problem is far from limited to those countries. In a recent poll of over 30,000 persons worldwide conducted by Gallup International, over 75 per cent of those surveyed perceived their politicians to be corrupt. Of those persons surveyed in South America and the Far East, over 90 per cent perceived their politicians to be corrupt. Regardless of the economic strength of a country, corruption is rooted in a lack of accountability and transparency, weak civil society and the failure of public officials, including politicians, to recognize the essential importance of the rule of law.

5. The smuggling of migrants and trafficking in human beings have expanded throughout the world in recent years. Ease of transport, improved roads, increased airline traffic and sophisticated methods of document forgery have all played a role in the growth of such crimes. The smuggling of migrants disrupts established immigration policies of the countries of destination and often involves human rights abuses. Prostitution by immigrant women ranks highest among the mechanisms of exploitation.

6. Technological advances, such as the expansion of the use of personal computers and of access to the

Internet, have prompted criminals both to target and to exploit new victims. Computer hacking, once seen as the harmless activity of a few individuals, is now regarded as a serious crime threat because of its cross-national ramifications and potential impact on sensitive computer systems. The fast-growing volume of electronic commerce has led to an increase in computer-related fraud. Software piracy is also on the rise. According to the Software Publishers Association and the Business Software Alliance, software piracy exists in all regions of the world, with rates in eastern Europe the highest at over 80 per cent. Of great concern is also the pervasive availability of child pornography on the Internet.

7. The unprecedented challenges posed by the modern criminal world have led to a clear recognition that no country alone can cope successfully with the growth of transnational crime. Issues that were traditionally considered as the exclusive preserve of national Governments must increasingly be addressed in multilateral settings where joint strategies and activities are agreed upon. One obvious example is the fight against trafficking in human beings, for which strengthening of immigration controls in the countries of destination alone cannot yield lasting results. There is a need for broad-based coalitions of various agencies and actors both within and between the countries involved, including the police, the prosecution, victim and witness support schemes and the media. Equally obvious is the need for international cooperation in the fight against corruption. International bribery can be effectively tackled only through joint action in countries providing and receiving international investment and development assistance. A cornerstone of any such strategy will have to be the reduction of bank secrecy in financial centres across the world, including the so-called offshore centres specializing in international monetary transactions.

8. In short, the increasingly sophisticated international networks of illegal activity must urgently be matched by equally up-to-date structures and mechanisms of the international criminal justice community.

## B. Meeting the challenges: a new role for the Centre

9. For the Centre, 1999 has been a year of transition. Its programmatic and organizational transition began with the reform measures of the Secretary-General. On the basis of those measures and of the recommendations emanating from the Advisory Committee on Administrative and Budgetary Questions and the Office of Internal Oversight Services, and with the guidance of the Commission, a process of significant transformation has been carried through. A basic guiding principle in that process has been the focusing of resources and activities on those areas of crime prevention and criminal justice where the United Nations possesses comparative advantages and can provide added value. Besides its traditional activities, such as standard-setting, the exchange of information and ad hoc technical assistance, the Centre is uniquely positioned to fulfil a central role in facilitating and coordinating international cooperation in combating transnational forms of crime. Whereas international agencies such as the International Criminal Police Organization (Interpol) have an important role in supporting criminal investigations of cross-border crime, the United Nations Crime Prevention and Criminal Justice Programme is the only universal institutional framework for the development, implementation and evaluation of the global criminal policies needed to combat transnational crime. It is for that strategic reason that the ODCCP leadership, with the endorsement of the Commission and the Member States, has been focusing the resources and activities of the Centre mainly on transnational crime. Important manifestations of that approach are its three global programmes against transnational organized crime, trafficking in human beings and corruption and its crucial support role in the elaboration of international legal instruments against organized crime.

10. To implement the new strategy, the Centre has recruited several new staff members who possess the relevant substantive expertise. That has been facilitated through increased contributions to the United Nations Crime Prevention and Criminal Justice Fund. Special attention was given in the recruitment effort to the goals, as set by the Organization, of achieving greater gender balance and equitable geographical distribution. As a result, 9 of the 11 Professional staff recently recruited by the Centre are women, 5 of them from developing countries.

11. As noted in the first annual report on the work of the Centre, the renewal of the human resources of the Centre has been accompanied by appropriate structural adjustments, namely the establishment of three organizational units dealing with legal affairs, with crime reduction and analysis and with technical cooperation. To facilitate the implementation of the newly focused

technical assistance programme of the Centre, teams have been established with responsibility for each of its three global programmes. The teams are supported by the unit dealing with technical cooperation activities in terms of quality control and project administration. With the filling of the two Professional posts included in the 1998-1999 programme budget for terrorism-related activities, a corresponding small organizational unit on the prevention of terrorism has also begun work. The work of the ODCCP global programme against money-laundering is closely coordinated with that of the Centre.

12. Substantive synergy with the United Nations International Drug Control Programme (UNDCP) has been further improved and is reinforced through regular meetings of the Executive Director of ODCCP with senior managers and periodic meetings with all ODCCP programme managers. A corporate identity of ODCCP has taken root, both internally and externally. Operational synergy between the Centre and UNDCP at the field level has been further pursued through the establishment of ODCCP regional offices in Cairo, Moscow, Pretoria and Tashkent. Setting up additional ODCCP field offices in other regions will be considered when funding for implementing the projects of the Centre in those regions becomes available.

13. The Centre has also greatly benefited from increased synergies, pooling of resources and consolidation of tasks within ODCCP. Thus, the servicing of intergovernmental bodies is carried out jointly with the secretariat of the Commission on Narcotic Drugs. Assistance in programme support, personnel administration, fund-raising and external relations are also provided at the ODCCP level, with the related input of the United Nations Office at Vienna.

# III. Supporting the global policy forum

## A. Servicing intergovernmental bodies

14. The Centre continued to support the function of the United Nations Crime Prevention and Criminal Justice Programme as a global policy forum. It provided substantive servicing for the eighth session of the Commission on Crime Prevention and Criminal Justice and carried out preparations for the ninth session. The reduction in the number and length of documents submitted to the Commission was further pursued. The Centre supported the servicing of the relevant meetings of the Economic and Social Council, at its regular session of 1999, and of the General Assembly, at its fifty-fourth session. The Centre also serviced the third to the eighth sessions of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime (see also section IV below).

15. The Centre carried out a "customer satisfaction" assessment on its servicing of the eighth session of the Commission through an evaluation questionnaire distributed to a random sample of participants. Questions were included on several aspects of the servicing, which were to be answered on a scale of 1 to 10, with the lowest number indicating "not satisfied" and the highest number indicating "fully satisfied". The average level specified in the responses to the questions was eight. Such a high average indicated overall satisfaction of the respondents with the services. Some respondents suggested that the documents needed to be provided in all languages at an earlier date in advance of the sessions. Some others noted that the time provided for the discussion of policy issues was inadequate. Open-ended comments were also invited on ways of improving both the servicing of the Commission and its work generally. That request generated only a small number of responses, which pointed out the need for more careful translation of documents and for the accurate use of terminology. The Centre will continue to carry out similar surveys at future sessions of the Commission.

## B. Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

16. The Centre, acting as the secretariat of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, has ensured the substantive and organizational preparations for the conduct of the Congress. It prepared the overview of the state of crime and criminal justice worldwide for presentation at the opening of the Tenth Congress and the substantive documents on each of the four substantive items of the agenda. It also coordinated and processed the background papers on each of the subjects of the four workshops to be held during the Tenth Congress, the preparations for which were conducted by the United Nations Interregional Crime and Justice Research Institute (UNICRI), the Asia and Far East Institute for the

Prevention of Crime and the Treatment of Offenders, the European Institute for Crime Prevention and Control, affiliated with the United Nations and the International Centre for the Prevention of Crime. Member States were kept abreast of the preparatory measures through inter-sessional consultation meetings for permanent missions in Vienna. The Centre has also lent substantive input and support to the media and information campaign for the Tenth Congress.

## IV. Progress towards a convention against transnational organized crime and the protocols thereto

17. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime intends to complete its work in 2000. By the end of its seventh session (held from 17 to 28 January 2000), the streamlined schedule of the Ad Hoc Committee and the efforts and constructive spirit of delegations had led to significant progress (for details, see the report on the work of the Ad Hoc Committee (E/CN.15/2000/4)).

18. At the request of the General Assembly, the Ad Hoc Committee, at its seventh session, examined the desirability of an independent or ancillary international legal instrument against corruption. The Ad Hoc Committee unanimously concluded that an independent international instrument against corruption was desirable. The development of such an instrument should be based on sound preparations, including an analysis of existing international legal instruments and pertinent recommendations, and on the body of knowledge reflected in the drafting of a United Nations Convention against Transnational Organized Crime. Work on an international instrument against corruption should begin after completion of the drafting of the Convention and of the protocols thereto.

19. At its seventh session, the Ad Hoc Committee began to finalize the revised draft United Nations Convention against Transnational Organized Crime. With regard to the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, the "Migrant Protocol", and the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the "Trafficking Protocol", the Ad Hoc Committee completed the first reading of the revised drafts during its sixth session. At the seventh session, informal consultations were held on the Trafficking Protocol and the second reading of the revised draft was begun. With regard to the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, the "Firearms Protocol", the Ad Hoc Committee continued the second reading of the revised draft during its seventh session.

20. On the basis of legal advice that the issue of explosives was beyond the mandate given to the Ad Hoc Committee under General Assembly resolution 54/127 and Economic and Social Council resolution 1998/17, the Committee decided to remove explosives from the Firearms Protocol. The second reading of the Firearms Protocol was concluded. Final discussion of the draft resumed at the eighth session of the Ad Hoc Committee.

21. It is envisaged that a report will be submitted to the Commission at its tenth session on the implementation of relevant resolutions on explosives and firearms, by which time the related work, to be financed through voluntary contributions, is expected to be sufficiently advanced.

22. The quality of the draft articles of the Convention and of the protocols thereto would ensure that, when adopted, they could serve as effective tools for government authorities to establish new mechanisms for international cooperation in fighting transnational organized crime. At the same time, it should be emphasized that their effectiveness will also depend greatly on their universality. In other words, they can be most effective when the majority of countries participates in the drafting process, as well as signing and ratifying the instruments. Ensuring participation, signature and ratification by a maximum number of countries requires that the needs and concerns of all States should be taken into account throughout the process.

23. The Ad Hoc Committee has also been paying particular attention to the implementation of the Convention after its ratification by States. Currently, the draft Convention contains various articles related to implementation. One of those articles provides for the establishment of a Conference of the Parties to the Convention to improve the capacity of States Parties to promote and monitor the implementation of the Convention (A/AC.254/4/Rev.6, article 23). For many

States, the ratification of the Convention and the protocols thereto would require amending existing or drafting new laws, as well as strengthening their law enforcement structures and criminal justice systems. In order to meet those challenging requirements, States need to cooperate with each other. Adequate levels of support and assistance will need to be provided, in particular to developing countries.

24. Provision of such assistance should be pursued at the bilateral, regional and global levels. In particular, it is essential to provide developing countries with the required technical assistance. Without such assistance, they will not be able to carry out the required reform of the existing systems because of a lack of resources and expertise. It has been proposed that the draft Convention envisage the establishment of a special fund for that purpose and that confiscated assets of organized crime groups may be credited to that fund.

25. The Centre is expected to play a pivotal role in supporting the implementation process. To enable the Centre to fulfil that role, it will be necessary to continue to strengthen its operational capacity through increased regular budget allocations. Adequate resources will also be required to support the work of the Conference of the Parties to the Convention. Reinforcing its human and financial resources will therefore be crucial. The provision of advisory services and other forms of technical assistance by the Centre will also need to be increased through voluntary contributions. As the process of implementation of the new instruments and the performance of the functions of the Conference of the Parties will be gradual, the required strengthening of the Centre can be achieved over a certain period of time through careful planning. Nevertheless, the continued and sustained support of Member States is necessary to enable adequate budgetary provisions for its activities.

26. The Centre has been exploring avenues for promoting the implementation of the Convention upon its adoption. Pursuant to an international ministerial symposium organized by the Centre, jointly with the International Scientific and Professional Advisory Council (ISPAC), and held in Rome on 26 and 27 February 1999, the Centre is organizing regional ministerial and expert meetings on the Convention, with the objective of promoting political support and awareness, facilitating cross-fertilization of ideas and fostering regional cooperation. A ministerial seminar for the region of Asia and the Pacific, hosted by the Government of Thailand and devoted to building capacities for fighting transnational organized crime, is scheduled to be held in Bangkok, on 20 and 21 March 2000. A regional expert meeting is scheduled to be held in Tashkent on 22 and 23 March 2000. Plans are also being made for a ministerial meeting to be held in the region of southern Africa. Similar activities may be undertaken in other regions not covered by the above-mentioned meetings, subject to the interest of the countries concerned and the availability of funds.

## V. Global programmes

### A. Global programme against trafficking in human beings

27. In the past year, the Centre has advanced the implementation of the global programme against trafficking in human beings, launched jointly with UNICRI in March 1999. The global programme is being carried out together with other international and national entities working on issues related to trafficking in human beings. The global programme aims at enabling countries of origin, transit and destination to develop joint strategies and practical actions against trafficking in human beings. It will contribute to empowering donor and recipient countries to address a common problem in a manner that transcends a purely bilateral approach, recognizing that, given the transnational character of trafficking in human beings, effective and efficient criminal-justice-related responses can be developed only through international cooperation.

28. The global programme consists of an integral package of assessment, technical cooperation, evaluation and the formulation of an international strategy against trafficking in human beings. In addition to an in-depth assessment of trafficking trends, its main feature is a series of technical cooperation projects in selected countries. Activities to be carried out in cooperation with the national counterparts are based on an analysis of the involvement of organized crime in the trafficking of human beings. A database containing best practices will be established so that the collected information can be used by policy makers, practitioners, researchers and non-governmental organizations. Technical assistance projects carried out under the global programme will be evaluated independently by an international advisory

board consisting of high-level representatives from Member States and individual experts.

29. The first technical cooperation project was initiated in the Philippines, with the support of the Government of Australia, through the Australian Institute of Criminology, and of the Government of the United States of America. A start-up mission to the country was carried out, which enabled the Centre to prepare a rapid assessment and to provide a detailed plan for the project activities. Technical assistance activities in the Philippines include establishing a national coordination mechanism, support for developing a database on the involvement of organized crime in trafficking, awareness-raising and training for law enforcement officers and increasing the protection and support provided to victims and witnesses.

30. Another technical cooperation project against trafficking in human beings has been initiated in eastern Europe, with the financial support of the Governments of Austria and the Netherlands and of the European Union. The project covers the Czech Republic and Poland. Austria, Finland, Germany and the Netherlands are participating as partner countries. The main focus of the project is on the necessary cooperation between the criminal justice system, other agencies and civil society in order to find ways to prevent and combat trafficking in human beings, in particular where organized criminal groups are involved. Another integral element of the project is the provision of support to victims and witnesses.

31. A third technical cooperation project is being prepared, covering the region of Latin America, for which partial funding has been provided by Portugal and a contribution pledged by Brazil. A preparatory mission to Brazil has been undertaken, to be followed up by expert missions to prepare an in-depth evaluation of the situation. The project is expected to entail assessment of the following: the involvement of organized crime in the trafficking of human beings; existing national legislation and international agreements on criminal matters; migration flows; and problems encountered by law enforcement officers and criminal justice personnel.

32. Another project is under preparation, covering a number of countries in the region of west Africa. The project, to be financed by the Government of France and the Government of Norway, will assess and analyse trafficking flows and the responses of governmental and non-governmental organizations in Benin, Côte d'Ivoire, Nigeria, Senegal and Togo. The project aims at raising awareness of trafficking in human beings and strengthening the institutional capacity of States to combat the criminal activity behind it.

33. In planning and implementing the global programme against trafficking in human beings, the Centre continued its cooperation with other international and regional organizations, including the United Nations Children's Fund, the European Union, Interpol, the International Organization for Migration and the Organization for Security and Cooperation in Europe, as well as international and national non-governmental organizations and local institutions and experts. The Centre also contributed to a number of relevant international conferences. UNICRI and the Municipality of Verona, in collaboration with ODCCP, organized a conference on the theme "New frontiers of crime: trafficking in human beings and new forms of slavery", held in Verona, Italy, from 22 to 23 October 1999.

## B. Global programme against corruption

34. Considerable progress has been made in refining and implementing the global programme against corruption, launched jointly with UNICRI in March 1999. The global programme consists of an integral package of assessment, technical cooperation, evaluation and the formulation of an international strategy against corruption. During its initial stage, projects will be undertaken in 12 countries in five regions (Africa, Asia, eastern Europe, Latin America and the Middle East). The selected countries have requested assistance from the United Nations to assess the current situation and design and implement an integrated and realistic anti-corruption programme.

35. The global programme entails a systematic process of "action learning", which will identify best practices and lessons learned through the country project, donor participation and programme execution. As corruption tends to be dynamic and has cross-cutting dimensions and impact, the approach to the technical cooperation component will, by necessity, be dynamic, integrated and holistic. Attention is given equally to preventive measures, law enforcement and prosecution. The technical cooperation component will also follow a modular approach consisting of tools that may be implemented individually or as a package in different stages at the international, national and local levels. An

important initiative to be taken, for example, will be the establishment of a credible, independent complaints mechanism that would enable citizens to identify corruption and/or a lack of services. Such a set of anti-corruption tools is being tested and refined through the process of action learning. Approaches along those lines are being pilot-tested in a project in Hungary.

36. The assessment component will be carried out through the application of a corruption monitoring protocol. It will be issued regularly to document trends in corruption. The results will be made available in a database accessible through the web pages of the Centre and UNICRI. Plans have been made to establish a steering committee for the global programme, to be entrusted with the task of reviewing the implementation strategy, the work programme and the project tools.

37. Implementation of a number of projects is already under way. A project in Lebanon, entitled "National anti-corruption strategy plan in Lebanon" and launched in March 1999 with funding from the Government of the United States, has been reoriented within the framework of the global programme, at the request of the Government of Lebanon. As part of the project, a workshop on the theme "Law standardization and modernization for the parliamentary committees", particularly the finance and budget committee, was held in June 1999 to evaluate their role and responsibilities with respect to measures to prevent and control corruption. A series of three workshops on the nature of corruption and its implications at the financial, economic and administrative levels was organized in November 1999 for members of supervisory bodies, magistrates, officers of the criminal police, public service officials at the decision-making level, persons responsible for the direction of financial services and non-governmental organizations. Working groups of the Office of the Minister of State for Administrative Reform and relevant non-governmental organizations have been set up to support the elaboration of a campaign to raise public awareness of anti-corruption measures.

38. The Centre has launched a project in Hungary, entitled "Assessment of corruption in Hungary", with funding provided by the Government of the United States. The project will assist the Government of Hungary in its efforts to prevent, detect and fight corruption and promote transparency, accountability and the rule of law. A meeting of scientific experts was held in Budapest in June 1999 to discuss and design a methodology and tools for the assessment of the extent and nature of corruption and anti-corruption measures in Hungary. A pilot test of the rapid assessment instruments was carried out, involving the completion of surveys, a focus group and a case study, and the results have been evaluated.

39. In Romania, the Centre has advanced the implementation of a project entitled "Institution building and strengthening of corruption control capacity in Romania", funded by the Governments of Greece and the United States and the United Nations Development Programme (UNDP). Three study tours to Milan, Italy, were conducted for magistrates (judges and prosecutors) and officials from the Ministries of Justice and the Interior, the Financial Guard, the Court of Account and the Customs Administration. The first stage of a public awareness campaign was completed in June and the second stage is under way. Seven seminars were held, involving the training of 150 magistrates and 70 officials (from, for example, the Ministry of the Interior and the Financial Guard, the Court of Account and Customs Administration) in such areas as public corruption, drafting laws, task force organization, investigative techniques and inter-institutional cooperation.

40. Projects are currently being developed for implementation in Benin, Nicaragua, South Africa and Uganda. Consultations have also been initiated regarding the design of projects in Bolivia, Guatemala and Nigeria. Preparatory work for those projects is financed through funds provided by the Government of the Netherlands. Resources to implement the projects are also being sought at the country level from bilateral funding sources.

41. The Centre will complete work on a modified version of the manual on practical measures against corruption during the second half of 2000.

42. The Centre also contributed to several meetings on corruption. Together with the Government of France, the Centre organized an expert group meeting on corruption and its financial channels, held in Paris from 30 March to 1 April 1999. Contributions were also made to the following: the workshop for central European prosecutors and magistrates, held in Slovakia; the global conference relating to corruption and financial crime, held in London; the First Global Forum on Fighting Corruption, held in Washington from 16 to 24 February 1999; the ninth annual anti-corruption conference, held in Durban, South Africa; and the ISPAC Conference on Responding to the Challenge of Corruption, held in Milan.

### C. Global studies on transnational organized crime

43. The global studies on transnational organized crime include two components. The first, entitled "assessing transnational organized crime groups: dangerousness and trends", is being conducted by the Centre. The second, entitled *World Organized Crime Report*, is being coordinated by UNICRI. The studies were initiated in pursuance of several mandates emanating from the General Assembly and the Economic and Social Council on the collection, analysis and dissemination of information and data on transnational organized crime. The draft United Nations Convention against Transnational Organized Crime reflects a widely felt need for in-depth knowledge of transnational organized crime. It contains requests for the regular collection and analysis of information and research findings concerning organized crime and for the preparation of overviews of global trends in organized crime.

44. Although there is a wide scientific debate and considerable media speculation about organized crime, there is little empirical research on the extent, structure, nature and strategies adopted by transnational organized criminal groups at the global level. The global studies on transnational organized crime aim at analysing and assessing the dangerousness of, and the societal threat posed by, the major and emerging groups involved in transnational criminal activities, identifying their geographical distribution and their international connections, forecasting future trends and suggesting effective countermeasures to prevent and combat the phenomenon at national, regional and international levels.

45. The Centre has advanced the implementation of the first phase of the studies, which consists of a pilot survey on the most dangerous organized criminal groups active in 12 countries—Australia, Canada, Colombia, the Czech Republic, Germany, Italy, Japan, the Netherlands, the Russian Federation, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States—and one region—the Caribbean. In collaboration with international experts, a comprehensive methodology has been drawn up, known as the "United Nations transnational organized crime assessment form", which will allow the collection of qualitative and quantitative information on organized criminal groups.

46. With the assistance of 13 national correspondents in the field identified for the study, the Centre has finalized an assessment of the most dangerous organized crime groups active in the above-mentioned countries. Moreover, background information on legislation, relevant investigations and criminological analysis of organized crime at the national level has been collected and analysed. The results of the pilot survey are expected to be published in mid-2000.

47. Within the framework of the global programme against transnational organized crime, the Centre has also formulated a project aimed at analysing and assessing the threat posed by Nigerian organized criminal groups with criminal networks in the region of the Economic Community of West African States, at forecasting the possible future evolution and at suggesting concrete countermeasures to prevent and combat organized crime in the region. The project will focus on four African countries—Côte d'Ivoire, Ghana, Nigeria and Senegal—and will benefit from close cooperation with national experts and institutions operating at various levels.

48. The Centre has also actively contributed to the international debate on transnational organized crime and related issues through participation in relevant events.

## VI. Other programme activities

### A. Promoting the use and application of standards and norms

49. The Commission has before it the sixth quinquennial report of the Secretary-General, for the period 1994-1998, on capital punishment and implementation of the safeguards guaranteeing the rights of those facing the death penalty (E/CN.15/2000/3). The report provides an analysis of the information provided by States in response to a survey on the use and application of the death penalty during the period covered, and of the views and observations of other United Nations entities and of relevant intergovernmental and non-governmental organizations. It also provides an indication of developments in criminological research and in the study of the death penalty worldwide. For the first time, the report contains information not only on gender and age, but also on the race of persons sentenced to death and executed for capital offences during the period under review. The report takes due account of the

ongoing related work carried out on the death penalty and on arbitrary and extrajudicial executions by the Office of the United Nations High Commissioner for Human Rights and by the Special Rapporteur on extrajudicial, summary or arbitrary executions of the Commission on Human Rights.

50. The Commission also has before it the report of the Secretary-General on progress achieved regarding juvenile justice reform (E/CN.15/2000/4), prepared pursuant to Economic and Social Council resolutions 1997/30 and 1999/28.

51. Pursuant to the relevant mandates of the Council, the Centre continues to gather information on the use and application of United Nations standards and norms in crime prevention and criminal justice. Six survey instruments have been sent to Governments on the following topics: crime and public security; corruption and bribery; the International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex); the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (General Assembly resolution 45/110, annex); the role of lawyers; and the role of prosecutors. The analysis of the survey results will be presented to the Commission at its tenth session. A sufficient number of replies has not yet been received to enable the preparation of a report on non-custodial measures, on the role of lawyers and on the role of prosecutors. A report on bribery and corruption was before the Commission at its eighth session. Another report on the matter is to be submitted to the Commission at its tenth session.

## B. Prevention of terrorism

52. Terrorism is a special form of crime that often encompasses elements of politics, warfare and propaganda. While "the philosophy of the bomb" has been around for well over a century, its current manifestations are more ominous, and some analysts perceive a trend towards mass casualties. The existence of such a threat has led to the inclusion of terrorism as one of the eight priority areas of work of the United Nations under the current medium-term plan.

53. As noted in section II above, the Centre initiated, in April 1999, work pursuant to its mandate concerning activities related to terrorism. Its unit on the prevention of terrorism cooperates and coordinates with the Office of Legal Affairs of the Secretariat, with the latter retaining its position as the focal point for legal matters pertaining to terrorism. The activities of the unit are focused primarily on research and technical cooperation, as well as on promoting international cooperation in the prevention of terrorism.

54. Several activities have already been undertaken. A research project focusing on the nexus between terrorism and other forms of criminality, such as trafficking in narcotic drugs and firearms, has been completed. In addition, in order to investigate the causes of the escalation and de-escalation of terrorist activities, a series of case studies is being conducted, with a view to identifying variables that can serve as early warning signs of terrorist activity.

55. Information is provided to Member States about terrorism from a number of sources, including the databases that have been set up and which are continually being updated. Steps are being taken to expand a global directory of centres of expertise that address the phenomenon of terrorism. In addition, needs and threat assessments are being conducted for requesting Member States. There are plans to publish, on a biennial basis, a global terrorism survey, which will include, inter alia, an analysis of trends in terrorism. Work has already begun on some components of the survey, for example, a directory of terrorist movements linked to the production of and trafficking in drugs.

56. In the area of technical cooperation, outlines have been prepared for a series of six technical cooperation manuals, to be used as tools for training with law enforcement and other appropriate agencies in Member States. A proposal for funding one of the manuals has been submitted to a Member State, and funding for all of them still needs to be secured. The manuals in the series will cover the following: (a) assisting victims of terrorism: a United Nations manual for helpers; (b) media coverage of terrorism: a guide for journalists and law enforcement officers; (c) bomb threat analysis and response; (d) a manual for dealing with hostage situations; (e) recognizing early warning signals of terrorist escalation (including potential use of weapons of mass destruction); and (f) legal aspects and actions pertaining to terrorism.

57. Whereas the work of the Centre on the prevention of terrorism is still in a nascent stage, some of the planned projects have been initiated, some are well under way, and still others are close to, or have been, completed.

However, staff and financial constraints are a major impediment to reaching full potential at short notice.

### C. Collecting and disseminating information

58. During the reporting period, the Centre has continued its efforts to reinforce its capacity and performance in the collection, analysis and dissemination of relevant data and information on crime trends and the operations of criminal justice systems so as to better inform policy development and implementation.

59. The Centre is currently administering the Sixth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. The periodic surveys are the primary vehicle used by the Centre for the collection of statistics on crime trends and criminal justice at the national level. So far, over 50 countries have provided official data on police, prosecution, courts, prisons and resource allocation.

60. The Centre continues to expand its dissemination of information, especially by electronic means, through maintaining and expanding the Internet-based United Nations Crime and Justice Information Network (UNCJIN) (accessible at http://www.uncjin.org). UNCJIN has become one of the world's most frequently visited substantive databases containing crime statistics and information on criminal justice publications, with links to relevant United Nations entities, research organizations and universities. Recently, UNCJIN was selected as a "Best of the Web" Internet site by the *Encyclopaedia Britannica*. The selection criteria included accuracy, breadth of information, usefulness, timeliness and quality of design. UNCJIN currently contains the documents of recent sessions of the Commission on Crime Prevention and Criminal Justice, of the various sessions of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, and of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, as well as updates to the central repository on transnational organized crime.

61. Consideration is being given to launching a new regular publication, tentatively entitled *Forum on Crime, Society and Governance*, to serve as a forum for expert debate on issues of priority concern to the Centre, for which the active involvement of external academicians will be sought.

## VII. Overview of operational activities

62. In 1999, the Centre supported projects that have a total budget value of 5,133,738 United States dollars ($). Approximately $3.2 million within that total represented activities being funded over the years from the United Nations Crime Prevention and Criminal Justice Fund, the balance being funded by UNDCP and UNDP. Those projects, substantive information on which is contained in the relevant sections of the present report, are listed in table 1.

63. The Centre has increasingly focused its technical cooperation activities on combating organized crime, trafficking in human beings and corruption. The main priority has been to translate the three global programmes of the Centre into concrete projects at the regional and country levels.

64. Some ad hoc projects were also carried out in other criminal justice areas, such as juvenile justice, with a view to maintaining the involvement of the Centre and preserving expertise in those fields. In Lebanon, a project to strengthen the legislative and institutional capacity for juvenile justice is being implemented. Project proposals on juvenile justice have also been drawn up for Guatemala and Nigeria. In Senegal, a crime prevention project has been formulated and submitted to the donor community for funding. A prison reform project in the Caribbean has been designed and is expected to be funded by the European Commission.

65. Preparatory work is being carried out on developing a new programme activity in crime prevention that will seek to assist national and local governments in protecting vulnerable groups of adolescents, particularly through educational programmes, from being recruited by organized crime.

66. The increased financial contributions received by the Centre from the international community in 1999 in support of its work programme allowed it to act as both funding and executing agency. This ensured substantive control over its projects and, at the same time, enhanced the visibility of the Centre.

Table 1
**Technical cooperation projects supported by the Centre for International Crime Prevention in 1999**

| *Country* | *Project* | *Total budget (United States dollars)* | *Role of the Centre* |
|---|---|---|---|
| Hungary | Assessment of corruption in Hungary | 175 263 | Funding and executing agency |
| Lebanon | Support for the national anti-corruption strategy | 304 309 | Funding and executing agency |
| | Strengthening the legislative and institutional capacity for juvenile justice | 806 594 | Funding and executing agency |
| Philippines | Coalitions against trafficking in human beings in the Philippines | 219 231 | Funding and executing agency |
| Romania | Institution-building and strengthening of corruption control capacity | 325 000 | Funding and cooperating agency |
| Russian Federation | Technical assistance in control and prevention of drugs and related organized crime | 1 370 841 | Cooperating agency |
| South Africa | Mechanisms to counteract domestic violence | 660 000 | Funding and associate agency |
| | Preparatory assistance: support for the national crime prevention strategy | 558 500 | Cooperating agency |
| | Measures to counteract organized crime | 414 000 | Funding and cooperating agency |
| The former Yugoslav Republic of Macedonia | Specialized police unit for preventing and controlling economic and financial crime | 300 000 | Funding and executing agency |
| | **Total** | **5 133 738** | |
| | **Funded by the Centre** | **3 204 397** | |

67. Increased synergy has been established with UNDCP. While keeping their distinct profiles, UNDCP and the Centre, the two pillars of ODCCP, have developed close cooperation at the operational level. That has resulted in an increased number of joint missions and in the design of new programmes and projects in Guatemala, the Russian Federation, South Africa and central Asia.

68. The Centre has been actively seeking funds from the donor community for the implementation of the above-mentioned projects, and is currently awaiting responses from a number of countries that have expressed interest in funding them.

69. The capacity of the Centre to deliver technical assistance has been enhanced through the increased presence of staff of the Centre at the country and subregional levels, achieved especially through the conversion of some UNDCP offices to ODCCP offices where that has been programmatically beneficial. The year 1999 marked the opening of ODCCP offices in Moscow, covering the Russian Federation and Belarus; in Pretoria, covering southern Africa; in Tashkent, covering central Asia; and in Cairo, covering North Africa and the Middle East.

## VIII. Mobilization of resources

70. The contributions and pledges provided to the United Nations Crime Prevention and Criminal Justice Fund during 1999 are listed in table 2 below.

71. The contributions and pledges in 1999 amounted to $3,331,859, which represented an increase of 20 per cent compared to 1998 and a continuation of the recent pattern of growth in contributions to the Fund. Another significant development has been advance pledges for future years, for example from the Government of the Netherlands, which amount to an additional $1,030,000. When this is taken into account, the rate of increase is 57 per cent.

72. The figure below shows the increase in contributions over the past four years and the distribution of contributions between general and specific purposes. The bulk of the specific-purpose contributions were for the three global programmes of the Centre and for supporting the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, mainly to finance the cost of additional sessions that were not included in the programme budget for 1998-1999 and to assist least developed countries with the travel and related costs of participation in the sessions of the Ad Hoc Committee.

73. The increase in contributions has enabled the launching of several activities. However, the increase is on a small resource base and there remains a pressing need for largely increased funding to permit full implementation of the new programmes initiated by the Centre. That is particularly true with regard to the implementation of its global programmes against corruption, trafficking in human beings and organized crime. As Governments remain the major source of funding for the Centre, their pledges to the Fund will determine the extent of the activities that can be undertaken. In this context, it is also necessary to stress the importance of further increases in general-purpose contributions, to enable the Centre to continue the process of building up specialized expertise, field presence and timely initiatives to respond to emerging critical areas.

## IX. Strategic management by the Commission of the United Nations Crime Prevention and Criminal Justice Programme

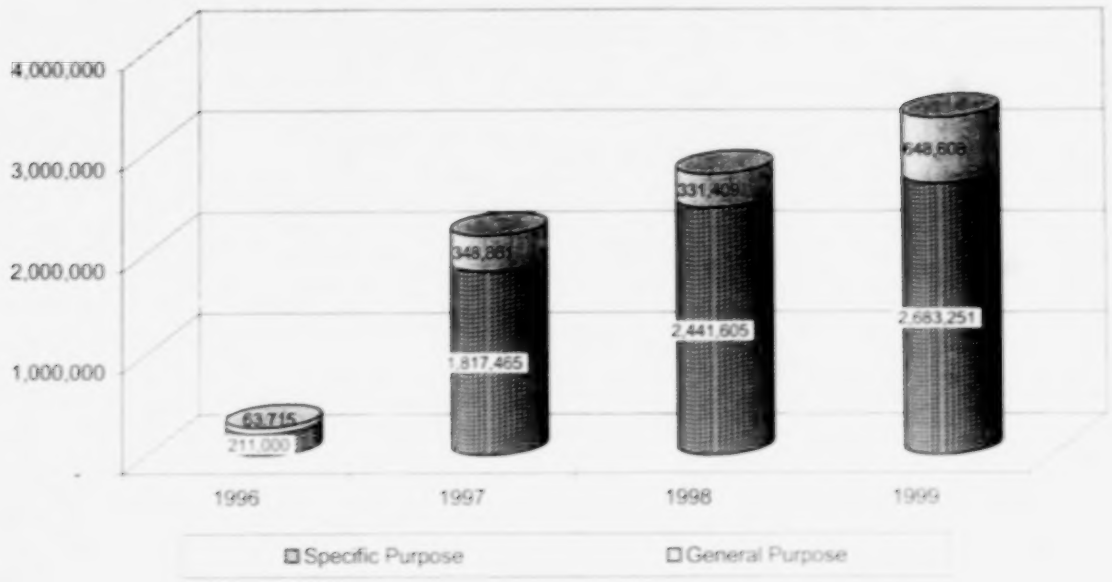
74. Between its eighth and ninth sessions, the Commission continued its inter-sessional activities in support of its strategic management of the United Nations Crime Prevention and Criminal Justice Programme. The bureau of the Commission held four meetings and organized four inter-sessional consultations for the permanent missions at Vienna, at which representatives were briefed on issues pertaining to the ninth session of the Commission, preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the work programme of the Centre. The bureau continued efforts to reduce the number of resolutions to be considered by the Commission and the reports to be requested for its consideration, by reviewing draft proposals in advance and coordinating and consolidating them as appropriate. Nine resolutions were adopted by the Commission at its ninth session.

Table 2
**Contributions to the United Nations Crime Prevention and Criminal Justice Fund in 1999**
(United States dollars)

| *Country or organization* | *Amount pledged* | *General-purpose funds* | *Special-purpose funds* |
|---|---|---|---|
| Australia | 10 000 | 10 000[a] | |
| Austria | 569 755 | 381 127[a] | 188 628 |
| Bolivia | 1 000 | 1 000[b] | |
| France | 479 000 | | 479 000[a] |
| Iceland | 5 200 | 5 200[b] | |
| Italy | 292 692 | 133 400[a] | 159 292[a] |
| Japan | 300 000 | | 300 000[a] |
| Netherlands | 364 165 | | 364 165[a] |
| Norway | 13 043 | | 13 043[a] |
| Poland | 19 726 | | 19 726[a] |
| Portugal | 100 000 | | 100 000 |
| Republic of Korea | 12 991 | 12 991 | |
| Slovenia | 490 | 490[b] | |
| Thailand | 3 000 | 3 000[b] | |
| Tunisia | 1 400 | 1 400[b] | |
| Turkey | 50 000 | 50 000[b] | |
| United States of America | 965 000 | 50 000[c] | 915 000[c] |
| European Union | 135 000 | | 135 000[b] |
| Asia Crime Prevention Foundation | 9 397 | | 9 397[a] |
| **Total** | **3 331 859** | **648 608** | **2 683 251** |

[a] Paid.
[b] Not paid.
[c] Paid in part.

Figure
**Pledges to the Crime Prevention and Criminal Justice Fund**
(United States dollars)




75. In its resolution 1999/51 on restructuring and revitalization of the United Nations in the economic, social and related fields and cooperation between the United Nations and the Bretton Woods institutions, the Economic and Social Council invited the Commission on Crime Prevention and Criminal Justice, the Commission on Narcotic Drugs, the Statistical Commission and the Commission on Science and Technology for Development to consider adopting multi-year programmes of work.

76. In its resolution 6/1, section I, the Commission had decided to establish a multi-year work plan, each year being devoted to a specific theme, in an effort to simplify the agenda of the Commission and to plan substantive discussions in advance. The Commission had established the themes for its seventh, eighth and ninth sessions. Action is required by the Commission, at its ninth session, to establish themes for future sessions, or consider establishing a main topic of discussion for each future session, in order to better focus its proceedings.

77. In its resolution 6/1, the Commission set the following criteria for scheduling the discussion of agenda items:

(a) Reports on the use and application of standards and norms, which require the provision of information by Governments, should be submitted every two or three years, to permit input from as many Member States as possible;

(b) Reports on surveys and crime statistics, as well as reports based on continued collection of data and other information, should be submitted not more frequently than every two years;

(c) Reports on coordination with other entities should be submitted every two years, preferably at the end of every programme budget biennium;

(d) Full reports and studies requiring a large volume of work in terms of research, or because of the complexity of the subject matter, should not be submitted

to the session immediately following the one in which the mandate was given;

(e) Consideration of, or reporting on, a substantive issue should be based on whether the issue has been significantly advanced in a given year through specific activities and developments.

78. Given the determination of the Commission to streamline its work and documentation and in view of numerous reports mandated at several previous sessions, it may be necessary to review all recurrent reports to future sessions of the Commission. Available to the Commission will be a conference room paper that lists all reports mandated by earlier decisions for submission to the tenth session of the Commission and any other recurrent reports.

79. In resolution 1999/51, the Economic and Social Council welcomed the progress made in ensuring an increased interaction of the Council with its subsidiary bodies, including through joint bureau meetings, and in strengthening its coordinating functions. A joint bureau meeting between the bureau of the Council and the bureau of the Commission was held on 3 May 1999. That meeting discussed methods of work of the Commission and follow-up to the relevant resolutions. The bureau requested the Secretariat to prepare an overview of the work of other relevant functional commissions of the Council, in order to establish whether joint meetings could be useful or feasible.

80. By its resolution 1999/55, the Council encouraged the functional commissions, in their outcomes, to identify more clearly actions that require a coordinated United Nations system-wide response as well as to highlight recommendations specifically addressed to organizations of the United Nations system and to identify areas in which the Council could provide guidance to the programmes, funds and agencies regarding the decisions and recommendations of the functional commissions addressed to them.

## X. Programme questions

81. The Commission, at its eighth session, had before it a note by the Secretary-General on the proposed programme of work in crime prevention and criminal justice for the biennium 2000-2001 (E/CN.15/1999/9). The General Assembly, in its resolution 54/691, approved the United Nations programme budget for the biennium 2000-2001. In section 14, crime prevention and criminal justice, the Assembly approved the establishment of one new P-4 post for strengthening the operational activities of the Centre.

82. The Commission, at its eighth session, also had before it a note by the Secretariat on the medium-term plan for the period 2002-2005 (E/CN.15/1999/11), which contained a preliminary outline for the programme narrative on crime prevention and criminal justice. Pursuant to the establishment of ODCCP, consideration is being given to proposing the consolidation of the two relevant programmes into a single programme, entitled "International Drug Control and Crime Prevention". The subprogramme narrative on crime prevention and criminal justice, to be submitted by the Secretary-General to the Committee for Programme and Coordination, is before the Commission (E/CN.15/2000/6).

## XI. The way ahead

83. As evident from the overview of developments during the past year, the Centre has been undergoing a fundamental reorientation. It has successfully completed a difficult process of transition during which major internal changes were accomplished and a new strategic course has been brought to bear on its work. Central to its successful execution has been and will continue to be the support of Member States, in policy guidance and in their role both as donors and recipients of technical cooperation. In that regard, the importance of increased financial support cannot be overemphasized.

84. As the focus has initially remained on substantive issues, somewhat less attention could be given to external interfacing with other relevant agencies active in the domain of work of the Centre. It is envisaged that progress can be made in the coming years on the strategic reorientation of the network of institutes of the United Nations Crime Prevention and Criminal Justice Programme. In that respect, it is noted that there has been intense collaboration with UNICRI and the Australian Institute of Criminology in implementing the global programmes of the Centre and that a clear division of responsibilities and tasks is evolving. With further refinement and adjustment, this can serve as a model for future cooperation with other institutes of the network.

85. In the coming year, the primary goal of the Centre will of course be to stay on course and advance the work begun. The global programmes should increasingly result in concrete activities benefiting recipient countries and the international criminal justice community at large. The Centre will continue to seek to expand and deepen its expertise on priority issues, especially organized crime, trafficking in human beings and corruption. This is necessary to enable the Centre to be prepared for and fulfil its new tasks in implementing the United Nations Convention against Transnational Organized Crime; in facilitating global action against corruption, including the envisaged elaboration of a results-oriented, comprehensive convention against corruption; and in supporting the translation into concrete measures of the declaration on crime and justice to be adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

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Vienna, 18–20 April 2000
Item 3 (c) of the provisional agenda*
Work of the Centre for International Crime Prevention:
standards and norms

# Capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty

## Note by the Secretariat

The sixth quinquennial report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty has been issued under the symbol E/2000/3.

* E/CN.15/2000/1.

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**Ninth session**
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**Commission on Crime Prevention and Criminal Justice**
**Ninth session**
Vienna, 18-20 April 2000
Item 4 of the provisional agenda*
**International cooperation in combating transnational crime: elaboration of an international convention against transnational organized crime and other possible international instruments**

## Progress report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime

Contents


| | | Paragraphs | Page |
|---|---|---|---|
| I. | Introduction | 1-7 | 2 |
| II. | Progress in the implementation of the mandate of the Ad Hoc Committee | 8-48 | 3 |
| | A. Organization and procedural matters | 8-22 | 3 |
| | B. Substantive matters | 23-48 | 8 |
| | 1. Elaboration of the draft Convention against Transnational Organized Crime | 23-33 | 8 |
| | 2. Elaboration of the additional international legal instrument against trafficking in persons, especially women and children | 34-37 | 11 |
| | 3. Elaboration of the additional international legal instrument against illegal trafficking in and transporting of migrants | 38-42 | 12 |
| | 4. Elaboration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition | 43-46 | 13 |
| | 5. Implementation of General Assembly resolution 54/128, entitled "Action against corruption" | 47-48 | 14 |
| III. | Action by the Commission | 49 | 14 |


* E/CN.15/2000/1.

# I. Introduction

1. On the recommendation of the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council (Council resolution 1998/14 of 28 July 1998), the General Assembly adopted resolution 53/111 of 9 December 1998, in which it decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea. In its resolution 53/114 of 9 December 1998, the Assembly called upon the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to devote attention to the drafting of the main text of the Convention, as well as of the above-mentioned international instruments.

2. In its resolution 54/126 of 17 December 1999, entitled "Draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto", the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114, and to intensify its work in order to complete it in 2000; decided that the Ad Hoc Committee should be convened in 2000 as required, holding no fewer than four sessions of two weeks each; requested the Ad Hoc Committee to schedule sufficient time, subject to the availability of funds from the regular budget or extrabudgetary resources, for the negotiation of the draft protocols addressing trafficking in persons, especially women and children, the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, in order to enhance the possibility of their completion at the same time as the draft Convention; and decided that the Ad Hoc Committee should submit the final text of the Convention and protocols thereto to the Assembly for early adoption prior to a high-level signing conference.

3. In its resolution 54/127 of 17 December 1999, the General Assembly requested the Secretary-General, within existing or extrabudgetary resources, to convene an expert group of no more than 20 members with equitable geographical representation, to prepare a study on the illicit manufacturing of and trafficking of explosives by criminals and their use for criminal purposes, and directed the Ad Hoc Committee, following the completion of the study, to consider the possible elaboration of an international instrument on the illicit manufacturing of and trafficking in explosives.

4. In its resolution 54/128 of 17 December 1999, the General Assembly directed the Ad Hoc Committee to incorporate into the draft Convention measures against corruption linked to organized crime, including provisions regarding the sanctioning of acts of corruption involving public officials; and requested the Ad Hoc Committee, using such time as its schedule permitted and with extrabudgetary resources provided for that purpose, to explore the desirability of an international instrument against corruption, either ancillary to or independent of the Convention, to be developed after the finalization of the Convention and the three additional instruments referred to in resolution 53/111, and to present its views to the Commission on Crime Prevention and Criminal Justice.

5. In its resolution 54/129 of 17 December 1999, the General Assembly accepted with appreciation the offer of the Government of Italy to host a high-level political signing conference in Palermo for the purpose of signing the United Nations Convention against

Transnational Organized Crime (Palermo Convention) and protocols thereto, and requested the Secretary-General to schedule the Conference for a period of up to one week before the end of the Millennium Assembly in 2000.

6. To date, the Ad Hoc Committee has held eight sessions, as follows: first session from 19 to 29 January 1999; second session from 8 to 12 March 1999; third session from 28 April to 3 May 1999, in parallel with the eighth session of the Commission on Crime Prevention and Criminal Justice; fourth session from 28 June to 9 July 1999; fifth session from 4 to 15 October 1999; sixth session from 6 to 17 December 1999; seventh session from 17 to 28 January 2000; and eighth session from 21 February to 3 March 2000. It is scheduled to hold two more sessions, from 5 to 16 June and from 17 to 28 July 2000.

7. The present report is submitted to the Commission on Crime Prevention and Criminal Justice pursuant to General Assembly resolution 54/126, to apprise the Commission of progress achieved in the implementation of the mandate of the Ad Hoc Committee. Read in conjunction with the previous report of the Ad Hoc Committee to the Commission at its eighth session (A/AC.254/13-E/CN.15/1999/5), the present report provides a complete picture of the work of the Ad Hoc Committee to date.

# II. Progress in the implementation of the mandate of the Ad Hoc Committee

## A. Organizational and procedural matters

8. In its resolution 53/111, the General Assembly decided to accept the recommendation of the Commission to elect Luigi Lauriola (Italy) as the Chairman of the Ad Hoc Committee. The following additional officers compose the bureau of the Ad Hoc Committee for 2000:

*Vice-Chairmen*: Zuzana Chuda (Slovakia)
Kiyoshi Koinuma (Japan)
Emna Lazoughli (Tunisia)
Patricio Palacios (Ecuador)
Olga Pellicer (Mexico)
Bérengère Quincy (France)
Janusz Rydzkowski (Poland)
Shaukat Umer (Pakistan)

*Rapporteur*: Peter Gastrow (South Africa)

9. In view of the short time available and considering the volume and complexity of the work that the Ad Hoc Committee had to carry out, the Secretariat developed and proposed a provisional timetable of sessions for 1999 and 2000. In so doing, the Secretariat attempted to reconcile the requirements of the Ad Hoc Committee with the need to provide necessary services to it within existing resources for the biennium 1998-1999. With the appropriate planning and with the support of the bureau of the Ad Hoc Committee, the Secretariat was able to absorb the bulk of the cost of providing the Ad Hoc Committee with the requisite conference and interpretation services in 1999. Additional requirements were met through voluntary contributions made by the Governments of Japan and the United

States of America to the Crime Prevention and Criminal Justice Fund, in support of the drafting of the Convention.

10. The third session of the Ad Hoc Committee was attended by representatives of 111 States. Its fourth session was attended by representatives of 97 States. Its fifth session was attended by representatives of 114 States. Its sixth session was attended by representatives of 106 States. Its seventh session was attended by representatives of 109 States. Its eighth session was attended by representatives of 112 States. Also attending the sessions were observers for entities maintaining permanent observer missions to the United Nations, organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

11. In its resolution 53/111, the General Assembly invited donor countries to cooperate with developing countries to ensure their full participation in the work of the Ad Hoc Committee. That issue was also raised by several delegations and by the Group of 77 and China at the first and second sessions of the Ad Hoc Committee. On two separate occasions, the Secretariat drew the attention of developed countries to the call made by the General Assembly. The Governments of Austria, Japan, Norway, Poland and the United States made voluntary contributions to the Crime Prevention and Criminal Justice Fund, indicating that a part thereof was to be used to facilitate the participation of least developed countries in the work of the Ad Hoc Committee. However, the funds made available were not sufficient to defray the costs of participation of all 48 least developed countries in the work of the Ad Hoc Committee. Therefore, the Secretariat requested the regional groups concerned to determine the least developed countries that would receive some assistance in relation to their participation.

12. At the fourth session of the Ad Hoc Committee, the Secretariat offered support to 25 countries selected by or identified in consultation with the regional groups concerned. This support related to meeting the travel costs only of one representative from each of the countries concerned. Most of the countries to which the Secretariat offered support indicated that they were willing to participate in the work of the Ad Hoc Committee but were unable to cover the cost of accommodation for their representatives. In view of that experience and having reviewed the extrabudgetary resources at its disposal, the Secretariat offered, beginning with the fifth session of the Ad Hoc Committee, to provide further support consisting of a lump sum intended to assist representatives with meeting the cost of accommodation.

13. At its seventh session, the Officer-in-Charge of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention informed the Ad Hoc Committee that the Secretariat was encountering difficulties in obtaining the required authorization from the Controller in the Department of Management of the Secretariat for payment of the local costs of representatives from least developed countries, using extrabudgetary funds made available by certain Governments. Those difficulties stemmed from the fact that the Controller maintained that General Assembly resolution 53/111 did not provide a sufficient basis for departing from established rules and practice regarding the payment of such expenses. The Chairman informed the participants that the matter had been discussed in the bureau of the Ad Hoc Committee, which had recommended that the Ad Hoc Committee approve a draft resolution on the matter for adoption by the Assembly. The bureau had also recommended that the Ad Hoc Committee authorize its Chairman to write to the Secretary-General and request that he personally intervene in order to resolve

the matter. The Ad Hoc Committee approved the recommendation of its bureau. The Ad Hoc Committee also approved a draft resolution submitted by its Chairman, entitled "Participation in the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime" (A/AC.254/L.136). (For the text of the draft resolution, see annex II to the report of the Ad Hoc Committee on its seventh session (A/AC.254/25).) The Chairman wrote to the Secretary-General and to the Chairman of the Fifth Committee of the General Assembly. The Ad Hoc Committee was subsequently informed by its Chairman that the matter had been resolved for the seventh session. The Chairman requested that the Secretariat keep the matter under review in order to ensure that similar payments would be made at the remaining sessions of the Ad Hoc Committee, subject to the availability of extrabudgetary funds provided for that purpose.

14. At its eighth session, the Ad Hoc Committee was informed by its Chairman that a solution had been found to the problem of assistance provided to a number of least developed countries by the Secretariat, using extrabudgetary funds provided for that purpose. The Chairman called upon States to make voluntary contributions that would permit the Secretariat to continue providing assistance to least developed countries to enable them to participate in the remaining sessions of the Ad Hoc Committee, as well as to meet the costs of conference and interpretation services for the informal consultations held during the sessions of the Ad Hoc Committee.

15. At the first session of the Ad Hoc Committee, several representatives had expressed concern about the accuracy of the terms used in the translation of documents into some of the official languages, and had recommended that the Secretariat undertake the compilation of a glossary of terms. Pursuant to that recommendation and with the support of the Linguistic Support Unit and the translation sections of the United Nations Office at Vienna, the Secretariat prepared a draft glossary of terms found in the draft Convention and made it available to delegations at the fourth and fifth sessions of the Ad Hoc Committee (A/AC.254/CRP.16 and Add.1). The draft glossary was based on the revised text of the draft Convention contained in document A/AC.254/4/Rev.1 and was distributed with a view to allowing participants to review the terms and provide feedback to the Secretariat on their accuracy and consistency. Work was continuing to include in the glossary terms contained in the three additional international legal instruments that the Ad Hoc Committee had been mandated to draft. Upon completion of the drafting of the Convention and the protocols thereto, the revised glossary would form part of the official record of the negotiations.

16. At its fourth session, the Ad Hoc Committee decided that in future informal consultations should be organized in order to facilitate the implementation of its mandate. The holding of such meetings would depend on the availability of extrabudgetary resources and would meet the following conditions:

(a) The informal consultations would be conducted strictly in accordance with the decisions of the General Assembly;

(b) Provision would be made for interpretation in all official languages of the United Nations;

(c) The documentation and agenda for the informal consultations would be made available well in advance of the meetings and sufficient advance notice of the time and place of the meetings would be provided;

(d) The informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations;

(e) The informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee in plenary;

(f) No more than two meetings, including the plenary, would be held at the same time during the sessions of the Ad Hoc Committee;

(g) The informal consultations could be assigned, *inter alia*, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee.

17. At the fifth session of the Ad Hoc Committee, the representative of Ecuador made a statement on behalf of the Group of Latin American and Caribbean States. He stressed that, while the members of the Group would continue to give their full support to the work of the Ad Hoc Committee, their ability to participate in the informal meetings of the Ad Hoc Committee was limited. The Ad Hoc Committee was the only body empowered to advance the negotiations on the draft Convention and its draft Protocols; therefore, any parallel meetings were only of an informal nature. The representatives of Costa Rica and Mexico noted that the informal meetings should not deal with any new topics. The Chairman confirmed that that was his understanding.

18. At the seventh session of the Ad Hoc Committee, the representative of Ecuador, speaking on behalf of the Group of Latin American and Caribbean States, said that the members of the Group had, from the beginning, participated actively and constructively in the negotiations on the draft Convention and its draft Protocols, convinced of the importance of those negotiations. The members of the Group had supported the initiative of the States members of the Group of 77 and China at the sixth session of the Ad Hoc Committee regarding the inclusion in the draft Convention of an article on implementation of the Convention through economic development and technical assistance. While expressing the hope that the pace of negotiations would be vigorous, the members of the Group of Latin American and Caribbean States were of the view that sufficient time and attention should be given to drafting coherent and functional provisions that would meet the concerns of all States. The universality of the legal instruments depended not only on the number of signatories but also on the quality of the texts. Regarding the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (the "Migrants Protocol", A/AC.254/4/Add.1/Rev.4), the members of the Group were of the view that it was important to develop a legal instrument that would effectively target smugglers while protecting the rights of migrants. Therefore, the Protocol must take into account the relevant United Nations instruments on protection of migrants in connection with correcting social and economic imbalances. In an era of globalization, the Convention and the Protocols should be inspired by the need for international cooperation to contribute to the improvement of standards of living and to increase opportunities, especially in developing countries. The members of the Group of Latin American and Caribbean States considered it important for the Migrants Protocol not to penalize migration, which was a social and historical phenomenon, or to convey an ambiguous message to the international community that would stimulate xenophobia, intolerance and racism. The negotiation process should take into account the causes of migration and the reasons for the increasing

vulnerability of migrants. Regarding the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the "Trafficking in Persons Protocol", A/AC.254/4/Add.3/Rev.5), the members of the Group emphasized the need for the instrument to make it possible to react quickly to illicit trafficking in persons, especially when the victims were children. The representative emphasized the position of global leadership of the Group in the fight against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The representative announced that the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (A/53/78, annex), adopted by the General Assembly of the Organization of American States, would enter into force on 9 February 2000, following the deposit of the tenth instrument of ratification. The members of the Group of Latin American and Caribbean States were interested in ensuring the successful conclusion of the negotiations on the draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (the "Firearms Protocol"), in order for the instrument to be effective. The members of the Group were in favour of a recommendation by the Ad Hoc Committee to the Commission on Crime Prevention and Criminal Justice regarding the development of a broad international legal instrument against corruption. The representative noted that the principal objective and premise of the Convention and its Protocols should be to promote international cooperation through shared responsibility in order to achieve more balanced international conditions, taking into account the situation of developing countries and with full respect for the principles of sovereignty and non-intervention enshrined in the Charter of the United Nations.

19. Prior to the adoption of the report of the Ad Hoc Committee on its seventh session, the representative of Uruguay made a statement on behalf of the Group of 77 and China. He underlined the importance of producing acceptable and effective results through methodical and conscientious work and requested that the necessary time be taken during the negotiation process to address complex matters comprehensively. Regarding the scope of application of the Convention, he stated that it was not possible for the Convention to include provisions that did not relate to acts of a transnational character or to the conduct of organized criminal groups. He recognized that, in the spirit of international cooperation, the provisions of the Convention relating to judicial assistance might be applied where the offence was serious and involved an organized criminal group. He stated that the members of the Group of 77 and China had reaffirmed their commitment to the negotiation process and had pledged their continued support to the successful conclusion of the Convention. He emphasized that the final decision on the adoption of the Convention would be taken at the political level, by the General Assembly.

20. At the eighth session of the Ad Hoc Committee, the representative of Uruguay, speaking on behalf of the Group of 77 and China, recalled the need to ensure that delegations had the necessary time to study carefully the contents of documents considered as the basis for consensus. He expressed concern about the timely availability of documents in all official languages of the United Nations. He also stated that informal working groups set up during the negotiation process were responsible for proposing language, but that their work must be approved by the Ad Hoc Committee. In addition, the representative of Uruguay reiterated the position of the Group of 77 and China, stated during the seventh session of the Ad Hoc Committee, that to avoid any possible ambiguity regarding the

application of the Convention, the words "transnational" and "organized criminal group" should appear in the scope of application and whenever necessary elsewhere to explain the type of organized criminal activity that the Convention sought to address. Finally, in the view of the Group of 77 and China, two meetings of informal consultations should not be held simultaneously and informal consultations served only as a forum for the exchange of views.

21. Also at the eighth session of the Ad Hoc Committee, the representative of Portugal, speaking on behalf of the States members of the European Union that are Members of the United Nations, informed the Ad Hoc Committee that the representative of the European Commission had been mandated by the Council of the European Union to negotiate on behalf of 12 of the States members of the Union articles 9, 11, 12 and 13 of the draft Migrants Protocol. The Chairman stated that the Ad Hoc Committee would take note of that statement on the understanding that the mandate would not affect the observer status of the European Commission.

22. At the time of writing of the present report, the Ad Hoc Committee had scheduled two more sessions for 2000. The Ad Hoc Committee will hold its ninth session from 5 to 16 June and its tenth session from 17 to 28 July.

## B. Substantive matters

### 1. Elaboration of the draft Convention against Transnational Organized Crime

23. At its second session, the Ad Hoc Committee had requested the Secretariat to carry out an analytical study on provisions of national laws relevant to the Convention concerning offences punishable by deprivation of liberty, with an indication of the number of years of imprisonment. The study was to be based on information to be solicited from Member States, who would also be asked to indicate whether their legislation qualified offences as serious and, if so, what criteria were used and which crimes were considered serious. Pursuant to that request and based on information provided by 45 States, the Secretariat prepared the analytical study and submitted it to the Ad Hoc Committee (A/AC.254/22 and Corr.1 and Add.1).

24. At its third to eighth sessions, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Cameroon, Canada, China, Colombia, Finland, France, Germany, the Holy See, Hungary, India, Italy, Japan, Kuwait, the Libyan Arab Jamahiriya, Lithuania, Malawi, Mexico, Morocco, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, the Russian Federation, Singapore, Slovakia, South Africa, Spain, Swaziland, Switzerland, Sweden, the Syrian Arab Republic, Tajikistan, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States. The Ad Hoc Committee also had before it notes by the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Organization for Migration (A/AC.254/16 and A/AC.254/27 and Corr.1).

25. The Ad Hoc Committee had completed its first reading of the draft Convention at its first and second sessions and had begun a second reading of the text at its second session. At its third session, the Ad Hoc Committee focused on articles 4, 4 *bis*, 7 and 8 of the draft

Convention, dealing with money-laundering, confiscation and transparency of financial transactions. Basing its work on the revised version of the draft Convention (A/AC.254/4/Rev.2) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.5 and 6), the Ad Hoc Committee decided to delete article 8 from the draft text of the Convention, as its contents had been superseded by either option of article 4 *bis*. The progress achieved by the Ad Hoc Committee at its third session was reflected in a new version of the draft Convention.

26. Continuing the second reading of the draft Convention at its fourth session and basing its work on the revised version of the draft Convention (A/AC.254/4/Rev.3) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.7 and 8), the Ad Hoc Committee discussed articles 4 *ter*, 5, 6, 9 and 14 (paras. 1-13). The comments and proposals made by delegations were reflected in a revised version of the draft Convention.

27. At its fifth session, the Ad Hoc Committee based its work on a document containing the revised draft Convention (A/AC.254/4/Rev.4) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.7-9). The Ad Hoc Committee discussed articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paras. 14-22), and 15-19 of the draft Convention. The progress achieved by the Ad Hoc Committee at its fifth session was reflected in a new version of the draft Convention.

28. At its sixth session, the Ad Hoc Committee based its work on the revised text of the draft Convention (A/AC.254/4/Rev.5) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.14). In completing its second reading of the draft Convention and in accordance with the request by the Chairman, the Ad Hoc Committee sought to reach agreement on a single text that would reflect the points of convergence and would form the basis for further drafting. The progress achieved on the draft Convention by the Ad Hoc Committee at its sixth session was reflected in a new version of the draft Convention.

29. As mentioned above, the Ad Hoc Committee had decided at its fourth session that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate. At its fifth session, the Ad Hoc Committee had decided that the informal consultations at its sixth session would be devoted to an overview of provisions that could be considered common to the draft Convention and the draft Protocols and to an examination of the articles of those draft instruments that would be under discussion at its sixth session. During the sixth session of the Ad Hoc Committee, informal consultations were held from 7 to 10 December 1999 in parallel with the plenary meetings of the Ad Hoc Committee. The recommendations of the informal consultations (A/AC.254/L.109 and A/AC.254/L.120) were submitted to the Ad Hoc Committee by the chairmen of the informal consultations. The Ad Hoc Committee approved the recommendations of the informal consultations on the common provisions of the draft Convention and the draft Protocols. The Ad Hoc Committee carried out its work on articles 4 *ter*, 20, 22 and 22 *bis* on the basis of the recommendations of the informal consultations.

30. At its seventh session, the Ad Hoc Committee based its work on the revised text of the draft Convention (A/AC.254/4/Rev.6) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.17). Having completed the second reading of the draft Convention at its sixth session, the Ad Hoc Committee, in accordance with the relevant recommendation of its Chairman, began the process of reaching agreement on the final text. The Ad Hoc Committee approved articles 1 and 5 of the draft Convention, without amendment, and provisionally approved paragraphs 3 and 4 of article 2, as amended.

However, it decided to keep paragraphs 1 and 2 of article 2 under review and to revert to the text in the light of the results of future negotiations on other articles of the draft Convention that might have a bearing on the scope of the instrument. The Ad Hoc Committee approved subparagraphs (b)-(i) of article 2 *bis*, as amended, but decided to keep the current text of subparagraph (a) as the basis for further consideration, also in connection with article 2 of the draft Convention. The Ad Hoc Committee also decided to reconsider the substance of subparagraph (k) of article 2 *bis* when finalizing the text of article 4 *bis* of the draft Convention. In the discussion on the definition of the term "structured group", the Ad Hoc Committee decided that the *travaux préparatoires* would include a note to the effect that the term was to be used in a broader sense and that it would include both groups with a hierarchical or other elaborate structure and non-hierarchical groups where the roles of the members of the group need not be formally defined. There need not be continuity in the composition of the group. However, the term would not include groups formed on an ad hoc basis for the immediate commission of an offence, such as groups formed randomly in the course of a riot. The Ad Hoc Committee also approved articles 3 and 6 of the draft Convention, as amended. In connection with article 3, the delegation of Colombia was concerned about the formulation of paragraph 3, which could be interpreted as permitting unilateral declarations by States Parties that might amount to reservations. In connection with paragraph 4 of article 6, on early release or parole, the Ad Hoc Committee decided that the *travaux préparatoires* would include a note to the effect that paragraph 4 would not oblige States Parties to provide for early release or parole of imprisoned persons if the legal systems of the States Parties in question did not provide for early release or parole. It was the understanding of the Ad Hoc Committee that paragraph 4 would not apply to those legal systems which did not foresee the possibility of early release or parole. The Ad Hoc Committee decided that, at a later stage in its deliberations, it would ensure consistency in the wording of clauses containing references to national legal principles or systems. The progress achieved by the Ad Hoc Committee at its seventh session was reflected in a new version of the draft Convention.

31. At its sixth session, the Ad Hoc Committee had decided to devote the informal consultations to be held during its seventh session, from 24 to 27 January 2000, to the consideration of articles 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its eighth session. The recommendations of the informal consultations were submitted to the Ad Hoc Committee by their chairmen.

32. At its eighth session, the Ad Hoc Committee based its work on the revised text of the draft Convention (A/AC.254/4/Rev.7) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.20). The Ad Hoc Committee discussed articles 2, 2 *bis* (subpara. (a) only), 4, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the draft Convention. Because of lack of time, article 4 *bis* was not discussed and was, therefore, deferred to the ninth session of the Ad Hoc Committee. The Ad Hoc Committee approved articles 4 *quater*, 7 *bis*, 7 *ter*, 17, 18 and 18 *bis* of the draft Convention, without amendment, and provisionally approved articles 4 (with the exception of subparagraph (c) of paragraph 2, which remained under review), 4 *ter*, 7, 17 *bis* and 18 *ter*, subject to the resolution of some issues that would need to be discussed in the light of the finalization of other provisions of the Convention, in particular article 2. The Ad Hoc Committee discussed article 2 of the draft Convention. It decided to keep paragraphs 1 and 2 of article 2 under review and to revert to the text at its ninth session. It also decided to use as a basis for further consideration of those paragraphs the text proposed by Singapore.

Regarding article 2 *bis* (subpara. (a) only), the Ad Hoc Committee decided to retain the text unchanged and to reflect the debate in the footnotes accompanying the text.

33. At its seventh session, the Ad Hoc Committee had decided to devote the informal consultations to be held at its eighth session from 28 February to 2 March 2000 to the consideration of articles 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16 of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its ninth session. The recommendations of the informal consultations were submitted to the Ad Hoc Committee by their chairmen.

## 2. Elaboration of the additional international legal instrument against trafficking in persons, especially women and children

34. At its second session, the Ad Hoc Committee had requested the Secretariat to clarify whether, by considering trafficking in persons, the Ad Hoc Committee would be departing from the mandate given to it by the General Assembly and, if that were the case, whether it would be competent to do so. The Secretariat consulted the Senior Legal Liaison Officer of the United Nations Office at Vienna and brought his response to the attention of the Ad Hoc Committee at its third session. According to the Senior Legal Liaison Officer, in its resolutions 53/111 and 53/114, the General Assembly had clearly defined the subjects for which new instruments were required. If the Assembly had wanted any other subjects to be included, it would have said so. Moreover, the recommendations of the Economic and Social Council (in its resolutions 1998/14 and 1998/20), which formed the basis for the Assembly resolutions, referred to trafficking in women and children and not to trafficking in persons. Those resolutions had been adopted unanimously and the terms used therein reflected the desires of the Assembly. If, however, the Ad Hoc Committee, after considering the issues before it, had come to the conclusion that, instead of developing an instrument addressing trafficking in women and children, it would be in the general interest to develop an instrument dealing with trafficking in persons, it might wish to request the Assembly to modify its mandate in that connection. States might take advantage for that purpose of the eighth session of the Commission, which was running in parallel to the third session of the Ad Hoc Committee. In its resolution 54/126, the General Assembly decided that the additional international instrument being prepared by the Ad Hoc Committee addressing trafficking in women and children should address trafficking in all persons, but especially women and children, and requested the Ad Hoc Committee to make any corresponding changes to the draft instrument.

35. At its second session, the Ad Hoc Committee had carried out a first reading of articles 1 and 2 of the draft Trafficking in Persons Protocol. At its fourth session, it carried out a first reading of articles 3-7, basing its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.3/Rev.2). The progress achieved by the Ad Hoc Committee was reflected in a new version of the draft Protocol.

36. Issues related to the draft protocol were also discussed during the informal consultations held during the fifth session of the Ad Hoc Committee.

37. At its sixth session, the Ad Hoc Committee discussed the draft Protocol, with particular emphasis on articles 8-18. The Ad Hoc Committee decided to base its work on the restructured version of the revised draft Protocol contained in document A/AC.254/5/Add.13, as had been recommended by the informal consultations held during the fifth session of the Ad Hoc Committee, and on other proposals and contributions submitted by Governments (A/AC.254/5/Add.16). At its sixth session, the Ad Hoc

Committee completed its first reading of the draft Protocol, aware of the discussion in the informal consultations on the common provisions between the draft Convention and the draft Protocols. The progress achieved on the draft Trafficking in Persons Protocol by the Ad Hoc Committee at its sixth session (A/AC.254/L.128/Add.3) was reflected in a new version of the draft Protocol. Also at its sixth session, the Ad Hoc Committee had decided to devote the informal consultations to be held during its seventh session, from 18 to 21 January 2000, to consideration of the Trafficking in Persons Protocol, and common provisions of that instrument and the Migrants Protocol. The recommendations of the informal consultations were submitted to the Ad Hoc Committee by their chairmen.

### 3. Elaboration of the additional international legal instrument against illegal trafficking in and transporting of migrants

38. The Ad Hoc Committee discussed the draft migrants Protocol at its fourth session. It based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.1/Rev.1), which had incorporated the progress achieved during the preliminary review of the draft Protocol carried out at the first session of the Ad Hoc Committee. At its fourth session, the Ad Hoc Committee carried out a first reading of articles 1-5 of the revised draft text. The progress achieved by the Ad Hoc Committee was reflected in a new version of the draft Protocol. The consideration of certain provisions in the draft text gave rise to a general discussion that revolved around the purpose and focus of the instrument. Some representatives expressed concern about the potential unintentional misuse of the Protocol, which could have an adverse effect on migrants, and in that context questioned its desirability. In that connection, several references were made to the mandate of the Ad Hoc Committee, as contained in General Assembly resolutions 53/111 and 53/114. The Chairman summarized the discussion by reiterating the understanding that the Protocol was inextricably linked to the Convention, that its focus was on the prevention and suppression of smuggling of migrants and that special attention should be paid to establishing an abundantly clear distinction between the criminalization of trafficking and the protection of the victims of that activity.

39. At the fourth session of the Ad Hoc Committee, the representative of Ecuador made a statement on behalf of the Group of Latin American and Caribbean States. The Group expressed its appreciation to the United Nations High Commissioner for Human Rights for the informal note she had submitted to the Ad Hoc Committee (A/AC.254/16) and recalled that the Protocol should be directed at combating illegal trafficking in migrants and protecting the rights of migrants. The Group also shared the view expressed by the High Commissioner that respect for the basic rights of migrants did not prejudice or otherwise restrict the sovereign right of all States to decide who should or should not enter their territories. According to the Group, the Protocol could not be used as an instrument for criminalizing migration, which was a social and historical phenomenon, nor should it stimulate xenophobia, intolerance and racism.

40. Issues related to the draft Protocol were also discussed during the informal consultations held at the fifth session of the Ad Hoc Committee.

41. At its sixth session, the Ad Hoc Committee discussed articles 7-19 of the draft Protocol. It based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.1/Rev.3) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.15). The Ad Hoc Committee completed its first reading of the draft Protocol, aware of the discussion in the informal consultations on the common provisions

between the draft Convention and the draft Protocols. The progress achieved on the draft Protocol by the Ad Hoc Committee at its sixth session was reflected in a new version of the draft Protocol.

42. The Ad Hoc Committee discussed the draft Migrants Protocol at its eighth session. It based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.1/Rev.4) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.21). The Ad Hoc Committee continued its second reading of the draft Protocol. The progress achieved in negotiating the draft Protocol by the Ad Hoc Committee at its eighth session was reflected in a new version of the draft Protocol.

### 4. Elaboration of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

43. The Ad Hoc Committee had decided to devote one day at its third session to the consideration of the draft Firearms Protocol. The Ad Hoc Committee based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.2/Rev.1) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.5). The Ad Hoc Committee had carried out a first reading of articles 1-8 of the draft text at its first session. Pursuant to a suggestion by its Chairman, the Ad Hoc Committee completed the first reading of the draft text, beginning with article 9. The Ad Hoc Committee refrained from considering the final clauses of the draft instrument (i.e. articles 18 *ter*-19 *bis*), in the interest of consistency and of making full use of the time available to it, as those articles were considered standard in international instruments and depended on the outcome of the negotiations on similar provisions of the Convention. The progress achieved on the draft Protocol by the Ad Hoc Committee at its sixth session was reflected in a new version of the draft Protocol.

44. The Ad Hoc Committee discussed the draft Protocol at its fifth session. It based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.2/Rev.2) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.10). The Ad Hoc Committee carried out a second reading of articles II-V and VIII of the revised draft text. The progress achieved by the Ad Hoc Committee was reflected in a new version of the draft Protocol.

45. The Ad Hoc Committee discussed the draft Protocol at its seventh session. It based its work on a document containing the revised text of the draft Protocol (A/AC.254/4/Add.2/Rev.3) and on proposals and contributions submitted by Governments (A/AC.254/5/Add.18). The Ad Hoc Committee was informed of a legal opinion provided by the Office of Legal Affairs of the Secretariat regarding the interpretation of General Assembly resolution 54/127. Following a discussion on the matter, the Ad Hoc Committee decided to remove references to explosives from the draft Protocol. The Ad Hoc Committee completed its second reading of the draft Protocol, aware of the discussion in the informal consultations on the common provisions between the draft Convention and the draft Protocols thereto. The progress achieved on the draft Protocol by the Ad Hoc Committee at its seventh session was reflected in a new version of the draft Protocol.

46. At its seventh session, the Ad Hoc Committee had decided to devote the informal consultations to be held during its eighth session, from 22 to 25 February 2000, to consideration of the additional international legal instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The

recommendations of the informal consultations were submitted to the Ad Hoc Committee by their chairmen.

### 5. Implementation of General Assembly resolution 54/128, entitled "Action against corruption"

47. At its sixth session, the Ad Hoc Committee had decided to consider the implementation of General Assembly resolution 54/128, entitled "Action against corruption", at its seventh session. In that resolution, the Assembly had requested the Ad Hoc Committee to explore the desirability of an international instrument against corruption, either ancillary to or independent of the United Nations Convention against Transnational Organized Crime, to be developed after the finalization of the Convention and the three Protocols thereto, and to present its views to the Commission on Crime Prevention and Criminal Justice.

48. The Ad Hoc Committee was of the view that an effective international legal instrument against corruption was desirable. It agreed that such an international instrument should be independent of the United Nations Convention against Transnational Organized Crime and that its drafting should commence following the completion of the negotiations on the draft Convention and the draft Protocols thereto. The Ad Hoc Committee was of the view that the terms of reference and outline of scope of the new instrument should be based on sound preparatory work, which would include a thorough review and analysis of all relevant international instruments and recommendations. The analysis should be undertaken by the Secretariat in consultation with Member States and should be submitted to the Commission on Crime Prevention and Criminal Justice at its tenth session. The Ad Hoc Committee discussed whether the General Assembly should be requested to extend the current mandate of the Ad Hoc Committee to enable it to develop the new instrument, on the basis of a recommendation by the Commission to the General Assembly. It was noted that, in considering that matter, it would be advisable for the Commission to take into account the experience and expertise acquired by the Ad Hoc Committee in developing the draft Convention and its draft Protocols, as well as the need to build on the success of the Ad Hoc Committee in dealing with such complex matters. It was agreed that the Ad Hoc Committee would transmit its views and recommendations on the implementation of resolution 54/128 to the Commission at its ninth session for appropriate action.

## III. Action by the Commission

49. The Commission may wish to provide its views on the progress achieved by the Ad Hoc Committee thus far in the implementation of its mandate. In particular, the Commission may wish to take appropriate action with regard to the implementation of General Assembly resolution 54/128, in the light of the views of the Ad Hoc Committee expressed above. The Commission may also wish to explore ways of supporting the work of the Ad Hoc Committee in order to ensure that the latter performs its assigned tasks in accordance with the terms prescribed by Member States in the pertinent General Assembly resolutions.

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**Work of the Centre for International Crime Prevention: standards and norms**

## Juvenile justice reform

### Report of the Secretary-General

Contents


| | | Paragraphs | Page |
|---|---|---|---|
| I. | Introduction | 1-2 | 2 |
| II. | International instruments relating to juvenile justice: overview, interrelationships, impact | 3-13 | 2 |
| III. | Machinery in place | 14-24 | 3 |
| IV. | Work of the Organization to meet the technical needs of States relating to the implementation of the international instruments | 26-37 | 5 |
| V. | Major issues and future directions | 38-45 | 7 |


* E/CN.15/2000/1.

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# I. Introduction

1. The present report has been prepared pursuant to Economic and Social Council resolutions 1997/30 of 21 July 1997 and 1998/21 of 28 July 1998. It presents an analysis of the roles, functions and activities of the partners concerned system-wide and of the progress achieved in advancing juvenile justice reform, in line with United Nations policy and instruments. Emphasis has been placed on the need to effect consistent, integrated United Nations policy and to carry out more effective, unified United Nations operational activities consistent with that policy. The report outlines operational and other activities that are being carried out by United Nations entities in line with the Convention on the Rights of the Child (General Assembly resolution 94/25, annex), in particular its provisions on juvenile justice, including those activities being carried out on the basis of in-depth assessments of the technical needs of States parties to the Convention in terms of juvenile justice reform.

2. The following United Nations entities provided comments relating to the preparation of the present report: Office of the United Nations High Commissioner for Human Rights, United Nations Children's Fund (UNICEF), Committee on the Rights of the Child and the World Health Organization (WHO).

# II. International instruments relating to juvenile justice: overview, interrelationships, impact

3. The normative bases for juvenile justice reform are United Nations standards and norms protecting the rights of children vis-à-vis justice systems.

4. The first binding international instrument to establish standards relevant to children's rights in the administration of justice was the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI)). That instrument prohibits the imposition of the death penalty on children (art. 6, para. 5). It also provides for children accused of offences to be separated from adults and brought speedily before a judge (art. 10, para. 2 (b)), ensures that child offenders are accorded the same rights as other accused individuals in criminal proceedings (art. 14, para. 1) and requires the provision of criminal procedures that take into account the age and desirability of promoting the rehabilitation of children in conflict with the law (art. 14, para. 4) (E/CN.4/2000/54, para. 3).

5. The Convention on the Rights of the Child entered into force on 2 September 1990. In March 2000, there were 191 States parties to the Convention. Ratification of the Convention commits States parties to adopt all necessary measures to accord to children the rights recognized in the Convention. States parties are thus obliged to align their national laws, procedures and policies with the Convention.

6. The Convention on the Rights of the Child obliges States parties to adopt and implement measures to create the necessary conditions for the effective enjoyment of the rights of children. By ratifying or acceding to the Convention, States recognize the fundamental rights of the child, in law, policy and practice. States must thus provide adequate legal protection and safeguards. The Convention is to be applied in conjunction with other relevant international instruments. In article 41 of the Convention, States are requested to go beyond the Convention, by applying norms most conducive to protecting the rights of the child. While setting forth a set of binding minimum standards, the Convention also calls for a continuing progress and improvement in line with ever-evolving universal values and practice.

7. The non-binding instruments establishing and governing juvenile justice are the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (Assembly resolution 45/112, annex) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (Assembly resolution 45/113, annex).

8. The above-mentioned instruments define the normative framework for the protection of children's rights through a separate, specialized system of juvenile justice administration that includes delinquency prevention and reintegration of offenders into the community. They cover all processes of justice administration (prevention, adjudication, sentencing, custody, aftercare) and the pre-, in- and post-conflict stages. They differentiate between the law-abiding and law-breaking conduct of young persons in the context of progressive child-rearing and socialization and in the context of the legal responsibilities and rights of young persons under the law. They are designed to safeguard the status, rights, interests, development and well-being of young persons and to ensure their fair

treatment[2] and protection by justice systems. The instruments are aimed at de-criminalization and de-penalization; they require a tempered reaction to and proportionality in respect of youthful law-breaking conduct, and proportionality of sanctioning of youthful offenders, taking into account age and child-developmental factors.[3] The harsh treatment or sanctioning of children with punishment is contrary to the standards.

9. The Beijing Rules reflect the aims and spirit of juvenile justice. They define juvenile justice administration. They are based on the precept of a distinct separation of juveniles from adults, a completely separate system and structure, with specialized operations, staff, services and so on. The aim of the Beijing Rules is to avoid the detrimental effects on young persons, because of their age and vulnerability, of the processes and procedures involved when coming into conflict with the law, in particular in terms of punishment.

10. The Riyadh Guidelines set standards for the prevention of juvenile delinquency. They cover the pre-conflict stage, that is, before juveniles come into conflict with the law and establish a comprehensive set of measures to achieve that purpose by providing an enlightened conceptual framework with respect to youthful offending, differentiating between law-abiding and law-breaking conduct and the consequences thereof. They define the content, scope and approach of delinquency and prevention. The Riyadh Guidelines call for a progressive, child-centred orientation and a child developmental approach to prevention of delinquency as an integral part of the administration of juvenile justice. Special attention is accorded to children who are at social risk. Application of the Riyadh Guidelines requires a concerted delinquency prevention effort that includes a participatory and decision-making role and respect and empowerment for young persons.

11. The United Nations Rules for the Protection of Juveniles Deprived of Their Liberty focus on child custodial detention. They apply to all young persons deprived of their liberty in any form and in any type of facility. They set out principles that provide a universally applicable definition of circumstances under which young persons can be deprived of their liberty, as a last resort, and specify the conditions required to ensure their fair treatment. They advocate the most infrequent use of deprivation of liberty for children, above all in prisons and other closed institutions. They do not recognize pre-trial and prevention detention, but instead advocate abolishing the imposition on young people of imprisonment and the death penalty. They require complete separation of juveniles from adults to ensure protection from harmful influence and risk situations. They establish criteria and procedures for the management and operation of separate facilities for child custody.

12. To promote the establishment and advancement of juvenile justice by means of the above-mentioned instruments is to invite juvenile justice reform. A number of States have undertaken a thorough review of their national systems of administration of justice in order to bring them more in line with the instruments. The instruments have become widely known and have been made available to persons dealing in various capacities with justice affairs. To the extent possible, they have been given prompt attention by States wishing to bring about reform,[4] by, *inter alia*: establishment of separate systems; enactment of major legislation, special codes and acts; creation of new classification schemes to avoid mixing; establishment of national offices for juvenile justice; enhancement of professionalism in the administration of juvenile justice; community-based involvement; and conducting of research as a foundation for programme development, planning and evaluation.

13. The instruments on juvenile justice and the Convention on the Rights of the Child are mutually reinforcing. Standards originating in the United Nations instruments on juvenile justice were incorporated into provisions of the Convention. Some of the rules contained in the instruments were designed specifically to support or guide the interpretation of the rights to be recognized pursuant to the Convention.

## III. Machinery in place

14. In considering the activities and progress achieved in juvenile justice reform, it is important to describe the mechanism or machinery in place that promotes and monitors the implementation of instruments governing juvenile justice reform in line with the Convention on the Rights of the Child and its provisions related to juvenile justice.

15. The Committee on the Rights of the Child, consists of 10 independent experts. It is the United Nations treaty body responsible for monitoring progress achieved by States parties to the Convention in their implementation of the Convention and in fulfilling their obligations under the

Convention. The Committee is the highest authority on the interpretation of the Convention.

16. The Committee reports on its activities every two years to the General Assembly through the Economic and Social Council. In accordance with articles 43-45 of the Convention, the Committee reviews reports by States parties on the implementation of the Convention and is responsible for examining the progress made by States, as well as difficulties encountered that may have affected the degree of fulfilment of their obligations under the Convention. The Committee focuses on conformity by States with the provisions of the Convention in terms of national law, procedure and practice. It also pays special attention to advocacy, awareness-raising, education and training in the area of children's rights.

17. The monitoring exercise has been incorporated into the machinery of the Committee that oversees the implementation of the Convention, for example, in relation to the main provisions on juvenile justice (arts. 37, 39 and 40). Work related to the use and application of the standards promote application of the Convention and facilitate the overcoming of difficulties in its implementation. In its review of national situations, the Committee recognizes the complementary nature of human rights and juvenile justice; thus, in overseeing the implementation of the Convention, it promotes the application of the instruments on juvenile justice. The reporting and monitoring processes and procedures involved in the implementation of the Convention place importance on States parties ensuring a periodic assessment and evaluation of progress achieved in its implementation, enabling States parties to review their laws and policies on a regular basis and to focus on areas where further or other action is required so as to improve the situation of children.

18. The Committee recognizes that only through comprehensive and concerted action by all relevant partners will it be possible to ensure the desired action on behalf of children. It stresses the importance of ensuring effective consultation, interaction and cooperation. It makes suggestions and general recommendations to State parties to ensure their full compliance with the Convention. Its concluding observations reflect the main points of the discussion and indicate concerns and issues that require specific follow-up action at the national level. The concluding observations should serve as a guide for governments in setting an agenda for priorities in their implementation of the Convention. When appropriate, the Committee indicates the technical assistance requirements of States parties, determined on the basis of their reports. The Committee advises Governments on carrying out reform in the administration of juvenile justice. The concluding observations are often an important starting point for improvement of the situation and for engaging in valuable dialogue with States in relation to recommendations made by the Committee.

19. Juvenile justice reform is accorded high priority by the Committee. By February 2000, the Committee had examined the initial and periodic reports of some 122 States parties. It has raised questions about the compatibility of the system of administration of justice with principles and provisions of the Convention and of other international instruments and has recommended improvement in the area of juvenile justice in nearly all the reports reviewed so far. In the vast majority of cases, the Committee had concerns regarding the compatibility of the juvenile justice system with the Convention.

20. In its concluding observations relating to approximately 80 States parties, the Committee has recommended technical assistance in the area of juvenile justice reform.[3] It has often advised States parties to seek technical assistance in an effort to develop their capacities to implement children's rights.

21. The coordination panel on technical advice and assistance in juvenile justice was established to enhance, strengthen and coordinate action within the United Nations in the area of juvenile justice, in particular, in field-level activities and via technical assistance. Its members include UNICEF, the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention, the United Nations International Drug Control Programme, the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Human Rights, the Committee on the Rights of the Child, other relevant United Nations entities and relevant non-governmental organizations.

22. The Committee on the Rights of the Child may transmit to competent United Nations bodies, through the coordination panel, any reports from States that contain a request or indicate a need for advisory services and technical assistance, together with any observations of the Committee. Accordingly, should a report by a State party and the review process by the Committee reveal any need to initiate reform in the area of juvenile justice, including through assistance by the respective technical advice assistance programmes of the specialized agencies, the State party may request such assistance.

23. At the first meeting of the coordination panel, held in Vienna in June 1998, members stressed the potential of maximizing individual efforts by working together in the same countries and the importance of focusing on projects where, through limited activities, it would be possible to achieve tangible results in areas identified by the Committee for follow-up in juvenile justice. Emphasis was placed on the need to rationalize the use of resources and streamline activities. It was agreed that participating entities would take measures and coordinate action to establish new technical assistance programmes and would reinforce existing programmes in the area of juvenile justice in six countries: Bangladesh, Guatemala, Lebanon, Philippines, Uganda and Viet Nam.

24. The second meeting of the coordination panel, organized by UNICEF and held in New York in March 2000, offered an opportunity to assess the progress made since the last meeting, including in the area of technical assistance, and to design a plan for future activities. Members of the coordination panel shared information on the projects undertaken in the above-mentioned six countries and agreed to respond to requests for technical assistance that could be formulated by States parties to the Convention on the Rights of the Child pursuant to the concluding observations of the Committee on the Rights of the Child. It was agreed that work would focus on assessing the needs in this area in two other countries, Benin and Yemen, and on reinforcing cooperation between partners. The Office of the United Nations High Commissioner for Human Rights has expressed its interest in organizing the next meeting of the coordination panel, which is to be held in 2001.

## IV. Work of the Organization to meet the technical needs of States relating to the implementation of the international instruments

25. The present section contains a review of the work accomplished by the United Nations with regard to standard-setting, monitoring and implementation of instruments and technical advisory services, pointing to what still needs to be done and what the major issues and future directions are in this regard.

26. The Special Rapporteur on the sale of children, child prostitution and child pornography considers that it is particularly important for the criminal justice system to focus on the commercial sexual exploitation of children. The justice system can be a forceful ally of children on at least two levels: prevention of child abuse and exploitation, and avoiding secondary victimization of children in its response processes. In her report to the Commission on Human Rights at its fifty-third session (E/CN.4/1997/95 and Corr.1), she notes such problem areas and points to difficulties in law enforcement, prosecution and judicial attitude in respect of both child victims and witnesses. She makes a number of recommendations for improving access to justice by children and stresses the important role of the United Nations in providing technical assistance.

27. The Office of the United Nations High Commissioner for Human Rights provides advisory services and technical assistance in support of human rights mechanisms. Priority is given to requests for cooperation in strengthening national capacity and infrastructure for the promotion and protection of human rights aimed at long-term results. A special focus on juvenile justice can be developed within the context of needs assessment carried out under the technical cooperation programme, which could also involve other United Nations bodies. Specific project activities that may be developed include legislative reform and training, for which the Office has developed a comprehensive programme in the administration of justice, including juvenile justice, focusing on raising awareness about relevant international standards. The programme includes projects in the Philippines and Uganda.

28. The work of UNICEF in the area of children's rights is guided by the principles and standards embodied in the Convention on the Rights of the Child. The UNICEF document entitled "A review of UNICEF policies and strategies on child protection" (E/ICEF/1996/14) outlines the Fund's response to circumstances that cause gross violations of the rights of children.

29. UNICEF continues to press for a strong human rights basis to country-specific work in the context of the United Nations Development Assistance Framework and for the development of relevant human rights indicators in the context of common country assessments. Its 40-50 country offices, most of which are involved at some level with developing or presenting training programmes, cover aspects of juvenile justice. With such tools at its disposal for assessing specific needs in juvenile justice, UNICEF promotes implementation of international standards relating to juvenile justice through technical assistance. The process of mid-term review allows the country offices to consider the issue of juvenile justice reform in relation

to the result of a specific survey or study. Law reform projects are under way in 30 countries. Under article 45 of the Convention, UNICEF is mandated to participate in and submit information to the Committee on the Rights of the Child during its consideration of reports of States parties; to provide expert advice on implementation of the Convention; to submit reports to the Committee on implementation of the Convention; and to consider requests or suggestions made by the Committee for technical advice or assistance to a State party.

30. WHO has recognized the link between juvenile offending and drug abuse and also the need to regard young drug-using offenders as victims in need of help. WHO participates with other United Nations entities in joint programmes in this area. WHO considers that juvenile justice systems need to develop procedures for provision of timely treatment and rehabilitative care for such offenders. In that context, WHO is implementing a project on especially vulnerable young people that covers children and adolescents facing an increased risk of substance use and related problems, including those in conflict with justice systems. A draft document prepared by WHO, in collaboration with UNICEF, the United Nations International Drug Control Programme and the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, gives guidance in identifying especially vulnerable young persons and in developing services based on the evidence of a comprehensive assessment.

31. The Centre for International Crime Prevention has established as its priority action to combat transnational organized crime, which it does through its global programmes against trafficking in human beings, transnational organized crime and corruption. In that context, the Centre carries out research and provides legal and technical advisory services.

32. The Centre is engaged in a number of projects that relate to the implementation of international standards in juvenile justice. It is carrying out technical cooperation activities in the following countries: Albania (action plan, with UNDP); Bosnia and Herzegovina (penal code and restorative justice, in cooperation with UNICEF and the European Union, including a project in the Republika Srpska (new laws, with the European Union)); Croatia (alternative measures); Lebanon (law reform, institution-building capacity); Nigeria (rule of law, with the European Union); and Rwanda (genocide procedures).

33. The Centre has developed a *United Nations Juvenile Justice Guide to International Standards and Best Practice* in English, French, Russian and Spanish. It has also produced a model law on juvenile justice, with a commentary, in English and French, for use by international organizations implementing international standards in the area of juvenile justice. The model law is a tool for technical assistance rather than a legal instrument as such, and can be used as a benchmark and an analysis tool for international organizations providing technical assistance in the area of law reform.

34. The Centre is continuing its work in standard-setting and promoting the use and application of existing international instruments, standards and norms in crime prevention and criminal justice and is preparing a revised United Nations compendium of such instruments. The Centre has over the years consistently promoted the rights of children, has contributed to the development of United Nations policy and action and has sought to integrate its work with that of other United Nations entities, both across programmes and system-wide and on various issues, including matters of concern to children. The Centre actively promotes gender mainstreaming in the criminal justice field and deterrence and prevention of violence against women and children. A dimension of this area of work is action against trafficking in women and children, which is carried out within the Global Programme against Trafficking in Human Beings.

35. The Centre continues to function as repository of binding and non-binding United Nations instruments on criminal policy and juvenile justice reform. All the necessary materials are made available to Governments and intergovernmental and non-governmental organizations. The Centre continues to render legal advisory services to Governments on matters of juvenile justice.

36. The Centre is currently focusing its attention on the development of its first set of binding instruments, which are being drafted by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime. The Convention and protocols thereto, on smuggling of migrants, trafficking in human beings and firearms, are expected to be adopted by the General Assembly at the Millennium Assembly. It is envisaged that United Nations criminal policy embodied in the non-binding instruments will not only encourage ratification, but also facilitate implementation of the provisions of the Convention, bridging the gap between proscription and fulfilment of new contractual obligations on the part of States.

37. The two protocols under negotiation on trafficking in human beings and on smuggling of migrants and the global programmes of the Centre would contribute to advancing juvenile justice reform. At the same time, the establishment of strong juvenile justice systems worldwide helps make systems more receptive to reducing the incidence of organized crime and the instrumental use and victimization of young persons.

## V. Major issues and future directions

38. The Convention on the Rights of the Child has quickly become the international human rights instrument with the largest number of ratifications—191—demonstrating the international community's special commitment to the promotion and protection of children's rights through international standards and norms.[9]

39. International cooperation to promote juvenile justice reform has become a priority within the United Nations system. It is clear that matters of juvenile justice need to be taken into consideration in the broader context of the Convention to ensure application of a holistic approach to guaranteeing children's rights. As the Convention is a multidisciplinary document, covering various aspects of the needs and rights of the child, it is appropriate that relevant entities of the United Nations system should be involved in implementing the provisions in their respective fields of competence in a coherent, policy-oriented and operational way.

40. The important monitoring role of the Committee on the Rights of the Child has recently been facilitated by the technical assistance monitoring activity of the Office of the United Nations High Commissioner for Human Rights. The Committee helps ensure the coordination of technical assistance programmes and promotes the implementation of international standards. It has thus built a major framework within which juvenile justice reform in specific countries may be addressed.

41. The coordination panel could focus on mandates and scope of activities; definition of individual and joint roles and responsibilities; well-targeted complementary and joint activities, grounded in policy and based on needs assessment and impact evaluation; and capabilities and failures in performance.

42. Technical assistance by the United Nations system has an important role to play in coordinating and monitoring the implementation of international standards relating to the administration of justice and in bridging the gap between international standards and implementation at the national level. The implementing role of the organizations of the United Nations is complemented in turn by the monitoring activities of the Committee on the Rights of the Child and the special rapporteurs.

43. The Centre for International Crime Prevention is ready to be of assistance in this regard. Through its global programmes, standard-setting, legal advisory services and technical assistance activities, the Centre will continue to advance and be involved in promoting juvenile justice reform.

44. The coordination panel has identified a limited number of countries on which relevant partners are to concentrate their technical assistance efforts. Whether demonstrable success has been achieved in attending to and meeting those needs and the extent to which relevant partners can continue to absorb such demands, must be realistically assessed.

45. A number of ways to meet the needs of Member States in instituting juvenile justice reform could be considered. Activities of the Centre for International Crime Prevention might include:

(a) At the policy level:

(i) Intensifying efforts to promote the use and application of the juvenile justice instruments and other relevant standards to advance juvenile justice reform on United Nations policy and normative bases;

(ii) Disseminating the instruments to Governments, surveying profiles of juvenile justice systems and determining the obstacles to application of the instruments' provisions;

(iii) Monitoring the progress of and reporting to the Committee on the Rights of the Child on the state of juvenile justice reform;

(iv) Undertaking activities to reduce States' reservations to the Convention on the Rights of the Child and facilitate implementation of its provisions related to juvenile justice;

(v) Providing policy advice and direction to relevant partners involved in Convention-based activities;

(vi) Strengthening ongoing collaborative ties with other United Nations entities;

(vii) Coordinating criminal policy objectives of juvenile justice reform;

(viii) Providing technical advisory services in line with the recommendations of the Committee on the Rights of the Child;

(ix) Launching new activities in line with the United Nations Convention against Transnational Organized Crime and the protocols thereto, focusing on the use of children in organized criminal activity;

(b) At the operational level:

(i) Continuing to develop and carry out projects in cooperation with other entities;

(ii) Continuing to promote children's rights through the three global programmes.

*Notes*

[1] The instruments use the term "young persons" to include juveniles, children and youth.

[2] See the reports of the Secretary-General on the situation of women as victims of crime (A/CONF.121/16) and on the fair treatment of women by the criminal justice system (A/CONF.121/17 and Corr.1 and Add.1); see also the working paper prepared by the Secretariat on youth, crime and justice (A/CONF.121/7).

[3] See *International Review of Criminal Policy*, special double volume on juvenile justice in international perspective, vols. 39 and 40, 1990 (United Nations publication, Sales No. E.90.IV.3).

[4] See the reports of the Secretary-General on implementation of General Assembly resolutions 40/33, 40/35 and 45/114 and the working paper prepared by the Secretariat on prevention of delinquency, juvenile justice and the protection of the young, prepared for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/16).

[5] The report of the Secretary-General on human rights in the administration of justice, in particular of children and juveniles in detention (E/CN.4/2000/54) is now before the Commission on Human Rights. That report examines the role of the United Nations with respect to the delivery of technical advisory services to States parties to the Convention on the Rights of the Child relating to juvenile justice. See also the report of the United Nations High Commissioner for Human Rights, in which the High Commissioner noted that juvenile justice constituted one of the main challenges for the implementation of the Convention (*Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 36* (A/54/36), para. 104).

[6] See General Assembly resolution 53/138, on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, and Commission on Human Rights resolution 1998/27 and decision 1997/105; see also the major policy issues outlined and the recommendations of the preliminary, interim and final reports of independent experts on enhancing the long-term effectiveness of the United Nations human rights treaty system; see also the related reports (A/44/668, A/CONF.157/PC/62/Add.11/Rev.1, A/44/668 and E/CN.4/1999/74); see further the related report of the Secretary-General (E/CN.4/1998/85 and Add.1 and Corr.1).

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Item 5 of the provisional agenda*
**Consideration of the recommendations of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders**

## Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

### Note by the Secretariat

1. The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was held in Vienna from 10 to 17 April 2000.

2. In its resolution 54/125 of 17 December 1999, the General Assembly requested the Commission on Crime Prevention and Criminal Justice to give priority attention at its ninth session to the conclusions and recommendations of the Tenth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the Assembly at its fifty-fifth session. The report of the Tenth Congress, which is before the Commission, is contained in documents A/CONF.187/L.2 and Corr.1 and Add.1-3 and A/CONF.187/L.3-10.

3. In the same resolution, the General Assembly requested the Tenth Congress to submit, through the Commission and the Council, its declaration to the Millennium Assembly for consideration and action. The text of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century is contained in document A/CONF.187/4/Rev.3.

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* E/CN.15/2000/1.